I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: McLean, Clegg (Remote), Woodings, Bageant, Hallyburton (Remote), Sánchez (Remote), Thomson (Remote)

ABSENT:

Pursuant to Idaho Code Section 74-204(4), all agenda Items are action items, and a vote may be taken on these items.

Motion to defer consideration of ORD-30-20 to a date certain of September 1, 2020.

RESULT: APPROVED [UNANIMOUS]

MOVER: Holli Woodings, Council President Pro Tem
SECONDER: Patrick Bageant, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

IV. REQUEST FOR APPROVAL

1. City Council Minutes - Work Session - Aug 18, 2020 4:00 PM

RESULT: ACCEPTED [UNANIMOUS]

MOVER: Holli Woodings, Council President Pro Tem
SECONDER: Patrick Bageant, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

2. City Council Minutes - Regular Evening Meeting - Aug 18, 2020 6:00 PM

RESULT: ACCEPTED [UNANIMOUS]

MOVER: Holli Woodings, Council President Pro Tem
SECONDER: Patrick Bageant, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

V. SPECIAL BUSINESS
1. **Policing Update (15 min)**  
   Presenter: Chief Lee, Boise Police Department

   **RESULT:** DISCUSSED

VI. CONSENT AGENDA

* Items scheduled on Consent Agenda.

*All items with an asterisk(*) are considered to be routine by the Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council Member or citizen so requests in which case the item will be removed from the general order of business and considered in its normal sequence.

| RESULT: APPROVED [UNANIMOUS] |
| MOVER: Holli Woodings, Council President Pro Tem |
| SECONDER: Patrick Bageant, Council Member |
| AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson |

* Motion to approve the consent agenda, without item SOS20-00025 which will be pulled from the Consent Agenda for future consideration.

* *****Items scheduled on Consent Agenda.

* All items with an asterisk(*) are considered to be routine by the Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council Member or citizen so requests in which case the item will be removed from the general order of business and considered in its normal sequence.

A. **PUBLIC HEARING REQUESTS**

*1. ZOA20-00001 / City of Boise / Amendment to the Design Review Specific Procedures (Section 11-03-04.12) to require Design Review approval for demolition of structures

B. **MINUTES AND REPORTS**

*1. Design Review Committee Hearing Minutes, July 8, 2020

C. **RESOLUTIONS**

*1. RES-341-20 A RESOLUTION APPROVING AN OPERATING AGREEMENT BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF AVIATION) AND RAISER, LLC DBA UBER FOR THE OPERATION OF A TRANSPORTATION NETWORK COMPANY AT THE BOISE AIRPORT; AUTHORIZING THE MAYOR AND CITY CLERK TO
EXECUTE AND ATTEST SAID OPERATING AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*2. RES-342-20 A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY AND THE NORTH ADA COUNTY FIRE AND RESCUE DISTRICT, FOR THE PROVISION OF FIRE PLAN REVIEW AND ASSOCIATED INSPECTION SERVICES BY THE CITY OF BOISE TO THE NORTH ADA COUNTY FIRE AND RESCUE DISTRICT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*3. RES-343-20 A RESOLUTION APPROVING A REAL PROPERTY PURCHASE AND SALE AGREEMENT BY AND BETWEEN GARY L DAVIS, AS TO AN UNDIVIDED 50% INTEREST AND GARY L DAVIS AND DEE S DAVIS, HUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST, AS SELLER, AND THE CITY OF BOISE CITY, AS BUYER, FOR ONE PARCEL TOTALING APPROXIMATELY 0.94 ACRES OF REAL PROPERTY LOCATED ON THE NORTHEAST CORNER OF STATE STREET AND ARTHUR STREET IN BOISE CITY, ADA COUNTY, IDAHO; AUTHORIZING THE MAYOR AND CITY CLERK, RESPECTIVELY, TO EXECUTE AND ATTEST THE PURCHASE AND SALE AGREEMENT; AUTHORIZING CITY STAFF TO DO ALL THINGS NECESSARY TO CONDUCT DUE DILIGENCE AND CLOSE ON THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

*4. RES-344-20 A RESOLUTION APPROVING AN INTERAGENCY AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND THE ADA COUNTY HIGHWAY DISTRICT ("ACHD") FOR THE MAPLE GROVE ROAD SEWER SERVICE EXTENSIONS; ACHD PROJECT #517039; PUBLIC WORKS PROJECT #CSP-1108; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE.

*5. RES-345-20 A RESOLUTION APPROVING AN UTILITY EASEMENT AGREEMENT BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND CHALLENGER DEVELOPMENT, INC., FOR A UTILITY EASEMENT FOR BARNWOOD LIFT STATION, SDP-378; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE
AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

D. SUBDIVISIONS - FINAL PLATS/TIME EXTENSIONS

*1. Brahman Estates Subdivision, SUB20-00029, Boise City Final Plat, (SUB20-00029 / Brahman Estates Subdivision / B&A Engineers, Inc. / 2023 S Five Mile Rd / Final plat for a residential subdivision comprised of 1 common and 4 buildable lots on 1.22 acres in a R-1B (Single-Family Residential, Suburban) zone.)

*2. Armory Avenue Subdivision, SUB20-00038, Boise City Final Plat, (SUB20-00038 / Armory Avenue Subdivision / Townhomes on the Ave, LLC / 612 N Avenue H Ave / Final Plat for a residential subdivision comprised of 18 buildable and 2 common lots on 1.04 acres located in a R-3D (Multi-Family Residential with Design Review) zone.)

VII. ORDINANCES

A. SECOND READING

Moved that all ordinances on second reading be read by number and title only and filed for the Third Reading Calendar.

RESULT: APPROVED [UNANIMOUS]
MOVER: Holli Woodings, Council President Pro Tem
SECONDER: Patrick Bageant, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

1. ORD-25-20 AN ORDINANCE AMENDING TITLE 9, CHAPTER 2, DEVELOPMENT IMPACT FEE, SECTION 12(B), BOISE CITY CODE; THIS AMENDMENT UPDATES THE DEVELOPMENT IMPACT FEES PER SERVICE UNIT; AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 2020.

2. ORD-26-20 AN ORDINANCE AMENDING TITLE 2, CHAPTER 4, SECTION 3, BOISE CITY CODE (PLANNING AND ZONING COMMISSION: MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES); AND PROVIDING AN EFFECTIVE DATE.

3. ORD-27-20 AN ORDINANCE AMENDING TITLE 2, CHAPTER 6, SECTION 2, BOISE CITY CODE (PUBLIC WORKS COMMISSION: MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES); AND PROVIDING AN EFFECTIVE DATE.
City of Boise

Minutes

City Council

August 25, 2020

4. ORD-28-20 AN ORDINANCE AMENDING BOISE CITY CODE TITLE 1, CHAPTER 9, BY REPEALING SECTION 5, SPECIAL CITY QUESTION ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

5. ORD-29-20 AN ORDINANCE (CAR20-00002 FOR PROPERTY LOCATED AT 8306 W STATE STREET) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM SINGLE FAMILY RESIDENTIAL, LARGE LOT (R-1A) TO MULTI-FAMILY RESIDENTIAL WITH DESIGN REVIEW (R-3D); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE.

B. FIRST, SECOND AND THIRD READING

1. ORD-30-20 AN ORDINANCE AMENDING BOISE CITY CODE TITLE 2, CHAPTER 14 BY RENAMING THE NEIGHBORS IN NEED TRUST FUND ADVISORY BOARD AS THE HOMELESS SERVICES ADVISORY BOARD, PROVIDING THAT THE HOMELESS SERVICES ADVISORY BOARD SHALL CONSIST OF THE EXECUTIVE COMMITTEE OF OUR PATH HOME, PROVIDING FOR INCREASED RESPONSIBILITIES AND OVERSIGHT OF POTENTIAL GRANT OPPORTUNITIES BY THE HOMELESS SERVICES ADVISORY BOARD; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

RESULT: TABLED [UNANIMOUS]  
MOVER: Holli Woodings, Council President Pro Tem  
SECONDER: Patrick Bageant, Council Member  
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson  

VIII. NEW BUSINESS

A. SUBDIVISIONS

1. Moderna Design + Build, SOS20-00025, Boise City Vacation of Easement, (SOS20-00025 / Moderna Design + Build / 2616 N Harrison Hills Dr / Request to vacate a portion of the required non-buildable landscape buffer along Highland View Dr. for Lot 1 Block 1 of the Hollow View Subdivision on 0.25 acres in a R-1B (Single-Family Residential) zone.)

This item was removed from the consent agenda for further consideration and discussion.

Cody Riddle, Planning and Development Services presented the item to Council.

No one in the audience or virtual meeting indicated they wanted to testify on the item.
RESULT: APPROVED [UNANIMOUS]
MOVER: Holli Woodings, Council President Pro Tem
SECONDER: Patrick Bageant, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

2. Greenbanks Subdivision, SUB20-00018, Boise City Preliminary/Final Plat, (SUB20-00018 / Greenbanks Subdivision / Cook Brothers Construction / 5716 N Pierce Park Ln / Preliminary and final plat for a residential subdivision comprised of 1 common and 6 buildable lots on 0.76 acres in a R-1C (Single Family Residential) zone.)

Cody Riddle, Planning and Development Services presented the item to Council.

Ben Semple, Applicant, 1014 S LaPointe, Boise, ID testified on the item and answered Council questions.

No one in the audience or virtual meeting indicated they wanted to testify on the item.

RESULT: APPROVED [UNANIMOUS]
MOVER: Holli Woodings, Council President Pro Tem
SECONDER: Patrick Bageant, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

3. Culver Subdivision, SUB20-00016, Boise City Preliminary Plat, (SUB20-00016 / Culver Subdivision / Huron Properties, LLC / 6016 N Pierce Park Ln / Preliminary plat for a residential subdivision comprised of 10 buildable and 5 common lots on 2.86 acres in a R-1B (Single Family Residential) zone.)

Cody Riddle, Planning and Development Services presented the item to Council.

Ben Semple, Applicant, 1014 S LaPointe, Boise, ID testified on the item and answered Council questions.

No one in the audience or virtual meeting indicated they wanted to testify on the item.

RESULT: APPROVED [UNANIMOUS]
MOVER: Holli Woodings, Council President Pro Tem
SECONDER: Patrick Bageant, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

4. Shire Subdivision, SUB20-00015, Boise City Preliminary/Final Plat, (SUB20-00015 / Shire Subdivision / Matt Smith / 3622 W Sunset Ave / Preliminary and final plat for a residential subdivision comprised of 2 buildable lots on 0.31 acres in a R-1C (Single Family Residential) zone.)

Cody Riddle, Planning and Development Services presented the item to Council.
Matt Smith and Sam Smith, Applicant, 3622 W Sunset Ave, Boise, ID testified on the item.

No one in the audience or virtual meeting indicated they wanted to testify on the item.

Motion to approve the item with the exception of the site specific condition of approval for the applicant to construct a sidewalk.

RESULT: APPROVED [UNANIMOUS]
MOVER: Holli Woodings, Council President Pro Tem
SECONDER: Elaine Clegg, Council President
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

B. PUBLIC HEARINGS

1. CAR20-00005 / Southpoint, LLC / 9933 & 10151 W Victory Rd / Annexation of 19.6 acres with a R-1B (Single Family Residential – 4.8 units/acre) zone.

Kevin Holmes, Planning and Development Services presented the item to Council.

Marisa Keith, Southwest Ada County Alliance Neighborhood Association, Appellant, 3279 Cloverdale Rd, Boise, ID; Hethe Clark (remote), Applicant Representative, 251 E Front St, Boise, ID; Jill Longhurst, 9900 W Roan Meadows Dr, Boise, ID; Steven Hickey, 3185 S Linda Vista Ave, Boise, ID; Misty Daniels, 9957 W Roan Meadows Dr, Boise, ID; Tracy Price, 9901 W Roan Meadows Dr, Boise, ID; Ted Price, 9901 W Roan Meadows Dr, Boise, ID; Darren Daniels, 9957 W Roan Meadows Dr, Boise, ID; Mark Dunkley, 1015 W Victory Rd, Boise, ID; and Barbara Crump, 3921 S Mitchell St, Boise, ID testified on the item in Council Chambers.

Steve Hamblet, 3217 S Linda Vista Ave, Boise, ID; Cynthia Rasavage, 9801 W Arabian Dr, Boise, ID; Alexandra Monjar, 2222 W Kootenai, Boise, ID; Milena Hickey, Linda Vista Ave, Boise, ID; Abby Losinski, W Roan Meadows Ct, Boise, ID; and Ryan Head, ACHD, 377 Adams St., Garden City, ID testified on the item through the virtual meeting.

RESULT: APPROVED [UNANIMOUS]
MOVER: Holli Woodings, Council President Pro Tem
SECONDER: Patrick Bageant, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

PUD20-00013 / Southpoint, LLC / 9933 & 10151 W Victory Rd / Appeal of the Planning & Zoning Commission’s approval of a conditional use permit for a
planned residential development comprised of 67 detached single-family homes on 18.5 acres in a proposed R-1B (Single Family Residential) zone.

RESULT: DENIED [UNANIMOUS]
MOVER: Holli Woodings, Council President Pro Tem
SECONDER: Patrick Bageant, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

Council Member Clegg provided clarification to the motion by stating that the application should ensure the pond is open to the public, and that access to the pond is open to the public through either CC&Rs or a plat note, whichever is more binding and that Legal Counsel provide direction on this issue at a later date.

Music Subdivision, SUB20-00009, Boise City Preliminary Plat, (SUB20-00009 / Music Subdivision / Southpoint, LLC / 9933 & 10151 W Victory Rd / Preliminary Plat for a residential subdivision comprised of 67 buildable and 6 common lots on 18.5 acres in a proposed R-1B (Single Family Residential) zone.)

RESULT: APPROVED [UNANIMOUS]
MOVER: Holli Woodings, Council President Pro Tem
SECONDER: Patrick Bageant, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

IX. ADJOURNMENT

Motion to adjourn the City Council meeting.

RESULT: APPROVED [UNANIMOUS]
MOVER: Holli Woodings, Council President Pro Tem
SECONDER: Patrick Bageant, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson
APPROVE:

Lauren McLean, Mayor

ATTEST:

Lynda Lowry, Ex-Officio City Clerk
I. Call to Order

PRESENT:  McLean, Clegg, Woodings (Remote), Bageant (Remote), Hallyburton (Remote), Sánchez, Thomson (Remote)
ABSENT:

Pursuant to Idaho Code Section 74-204(4), all agenda Items are action items, and a vote may be taken on these items.

II. Work Session Items

1. Bike Bars Update (25 min)
   Presenter: Craig Croner, Finance and Administration

RESULT: DISCUSSED

2. Water Renewal Utility Plan (WRUP) Questions (5 minutes) and The State of Recycled Water (40 minutes)
   Presenter: Steve Burgos and Haley Falconer, Public Works

RESULT: DISCUSSED


   Pursuant to Idaho Code Section 74-206(1)(c), motion to move into Executive Session to discuss acquisition of an interest in real property not owned by a public agency.

   Discussion on the land acquisition item occurred from 5:16 pm to 5:27 pm.

RESULT: MOVED INTO [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Lisa Sánchez, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

III. Adjournment
Moved into the regular Work Session meeting.

There being no further business, the meeting adjourned.

**RESULT:** APPROVED [UNANIMOUS]

**MOVER:** Elaine Clegg, Council President

**SECONDER:** Lisa Sánchez, Council Member

**AYES:** Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson
I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: McLean, Clegg, Woodings (Remote), Bageant (Remote), Hallyburton (Remote), Sánchez, Thomson (Remote)

ABSENT:

Pursuant to Idaho Code Section 74-204(4), all agenda Items are action items, and a vote may be taken on these items.

IV. REQUEST FOR APPROVAL

1. City Council - Work Session - Jul 28, 2020 4:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Lisa Sánchez, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

2. City Council - Regular Evening Meeting - Jul 28, 2020 6:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Lisa Sánchez, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

3. City Council - Special Meeting - Jul 30, 2020 3:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Lisa Sánchez, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

V. SPECIAL BUSINESS
1. Appointment of Tom Betty to the Electrical Code Board of Appeals for a four year term ending August 2024  

RESULT: APPROVED BY UNANAIMOUS CONSENT

2. Appointment of Ashley Brown to the Historic Preservation Commission for a three year term ending August 2023  

RESULT: APPROVED BY UNANAIMOUS CONSENT

3. Appeal PUD20-00004 / Revised Findings  
Presenter: Cody Riddle, Planning and Development Services  

RESULT: APPROVED [5 TO 0]  
MOVER: Elaine Clegg, Council President  
SECONDER: Lisa Sánchez, Council Member  
AYES: Clegg, Woodings, Hallyburton, Sánchez, Thomson  
ABSTAIN: Bageant

4. RES-340-20 A RESOLUTION RATIFYING REISSUED PUBLIC HEALTH EMERGENCY ORDER 20-11 (BUSINESSES; INDIVIDUALS; AIRPORT; BARS AND PUBLIC MEETINGS) ENACTED AUGUST 14, 2020; AND PROVIDING AN EFFECTIVE DATE.  

RESULT: APPROVED [UNANIMOUS]  
MOVER: Elaine Clegg, Council President  
SECONDER: Lisa Sánchez, Council Member  
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

VI. CONSENT AGENDA  

*****Items scheduled on Consent Agenda.  

*All items with an asterisk(*) are considered to be routine by the Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council Member or citizen so requests in which case the item will be removed from the general order of business and considered in its normal sequence.  

RESULT: APPROVED [UNANIMOUS]  
MOVER: Elaine Clegg, Council President  
SECONDER: Lisa Sánchez, Council Member  
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

* Council President Clegg noted that RES-322-20 provides recognition of the City's Trillion Trees pledge and this action would allow us to be the first city to join this movement.
*****Items scheduled on Consent Agenda.

All items with an asterisk(*) are considered to be routine by the Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council Member or citizen so requests in which case the item will be removed from the general order of business and considered in its normal sequence.

A. EXPENSES

*1. Request for approval of the Boise City checks 509396-509680 and ACH 63579-635669 in the total amount of $3,082,766.19 as of July 16, 2020.


*3. Request for approval of the Boise City checks 509916-510153 and ACH 63750-63806 in the total amount of $4,226,849.46 as of July 30, 2020.

*4. Request for approval of the Boise City checks 510166-510400 and ACH 63810-63871 in the total amount of $1,835,113.80 as of August 6, 2020.

B. MINUTES AND REPORTS

*1. Open Space and Clean Water Advisory Committee Minutes, June 4, 2020


*4. Historic Preservation Commission Minutes, June 29, 2020

*5. Public Works Commission Minutes July 7, 2020

C. RESOLUTIONS

*1. RES-306-20 A RESOLUTION APPROVING THE RENEWAL OF SS 11-143 BELT FILTER PARTS & COMPONENTS, BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS) AND ANDRITZ SEPARATION, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*2. RES-307-20 A RESOLUTION APPROVING THE RENEWAL OF SS 19-121 TROJAN UV 4000 SYSTEMS, BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS) AND COOMBS-
HOPKINS/DC FROST; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*3. RES-308-20 A RESOLUTION APPROVING AN AGREEMENT FOR RFP 20-286, MISCELLANEOUS ENVIRONMENTAL ANALYTICAL LABORATORY SERVICES BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND TESTAMERICA LABORATORIES, INC. (DBA) EUROFINS TESTAMERICA.; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*4. RES-309-20 A RESOLUTION APPROVING THE RENEWAL OF RFP 19-354, GENETEC SECURITY SYSTEM SERVICES, BETWEEN THE CITY OF BOISE CITY (HUMAN RESOURCES & INFORMATION TECHNOLOGY) AND COMPUNET, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*5. RES-310-20 A RESOLUTION APPROVING THE RENEWAL OF RFP 18-293(C), MISC BUILDING AND COMMISSIONING SERVICES, BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS) AND SEEDIDAHO PC; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*6. RES-311-20 A RESOLUTION APPROVING THE RENEWAL OF RFP 18-293(B), MISC BUILDING AND COMMISSIONING SERVICES, BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND NWESI; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*7. RES-312-20 A RESOLUTION APPROVING THE RENEWAL OF RFP 18-293(A), MISC BUILDING AND COMMISSIONING SERVICES, BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS) AND HDR ARCHITECTURE INC; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
*8. RES-313-20 A RESOLUTION APPROVING A SITE SUPPLEMENT AGREEMENT, BETWEEN POWDER RIVER, ON BEHALF OF VERIZON WIRELESS, AND THE CITY OF BOISE CITY FOR THE INSTALLATION OF A 5G SMALL CELL TOWER LOCATED AT 3950 N MILWAUKEE STREET; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*9. RES-314-20 A RESOLUTION APPROVING ADDENDUM NO. 18 TO AN AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (LEGAL DEPARTMENT) AND THE CITY OF MERIDIAN FOR THE PROVISION OF LEGAL/PROSECUTORIAL SERVICES TO THE CITY OF MERIDIAN; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID ADDENDUM NO. 18 ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE.

*10. RES-315-20 A RESOLUTION VACATING AN EXISTING GRANT OF EASEMENT AGREEMENT BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND BARBER VALLEY DEVELOPMENT, INC., WHICH IS NO LONGER NEEDED FOR SEWER UTILITY PURPOSES; DRI-1459; AND PROVIDING AN EFFECTIVE DATE.

*11. RES-316-20 A RESOLUTION APPROVING AN UTILITY EASEMENT AGREEMENT BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND BARBER VALLEY DEVELOPMENT, FOR A UTILITY EASEMENT IN DALLAS HARRIS RANCH SOUTH SUBDIVISION 1, DRI-1907; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*12. RES-317-20 A RESOLUTION APPROVING AN AMENDMENT TO AND EXTENSION OF AN AIRLINE USE AND LEASE AGREEMENT BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF AVIATION) AND SOUTHWEST AIRLINES CO. FOR THE USE AND LEASE OF CERTAIN FACILITIES AND PREMISES UPON BOISE AIRPORT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AMENDMENT ON BEHALF OF BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*13. RES-318-20 A RESOLUTION APPROVING AN AMENDMENT TO AND EXTENSION OF AN AIRLINE USE AND LEASE
AGREEMENT BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF AVIATION) AND ALASKA AIRLINES, INC. FOR THE USE AND LEASE OF CERTAIN FACILITIES AND PREMISES UPON BOISE AIRPORT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AMENDMENT ON BEHALF OF BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*14. RES-319-20 A RESOLUTION APPROVING AN AMENDMENT TO AN AIRLINE AFFILIATE OPERATING AGREEMENT BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF AVIATION) AND ALASKA AIRLINES, INC. (AIRLINE) AND HORIZON AIR INDUSTRIES, INC. (AIRLINE AFFILIATE) FOR THE USE OF CERTAIN FACILITIES AND PREMISES UPON BOISE AIRPORT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AIRLINE AFFILIATE OPERATING AGREEMENT AMENDMENT ON BEHALF OF BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*15. RES-320-20 A RESOLUTION APPROVING AN AMENDMENT TO AN AIRLINE AFFILIATE OPERATING AGREEMENT BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF AVIATION) AND ALASKA AIRLINES, INC. (AIRLINE) AND SKYWEST AIRLINES, INC. (AIRLINE AFFILIATE) FOR THE USE OF CERTAIN FACILITIES AND PREMISES UPON BOISE AIRPORT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AIRLINE AFFILIATE OPERATING AGREEMENT AMENDMENT ON BEHALF OF BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*16. RES-321-20 A RESOLUTION APPROVING AN AMENDMENT NUMBER FOUR TO AN ADVERTISING CONCESSION AND LEASE AGREEMENT BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF AVIATION) AND LAMAR TRANSIT, LLC; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID CONCESSION AND LEASE AMENDMENT NUMBER FOUR ON BEHALF OF BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*17. RES-322-20 A RESOLUTION APPROVING RECOGNITION AS A MEMBER OF THE TRILLION TREES AND TO BE A PARTNER IN THE CITY OF TREES CHALLENGE; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
*18. RES-323-20 A RESOLUTION (SOS20-00008) VACATING PUBLIC UTILITIES AND DRAINAGE EASEMENT LOCATED WITHIN THE VACATED PORTION OF MYERS STREET AND THE 10 FOOT WIDE EASEMENT WHICH EXTENDS TO PARKCENTER BLVD WITHIN THE HG MYERS COUNTY ACRE SUBDIVISION NUMBER 2 LOCATED AT 555 E PARKCENTER BLVD IN AN L-OD (LIMITED OFFICE WITH DESIGN REVIEW) ZONE, BOISE, ADA COUNTY; AND PROVIDING AN EFFECTIVE DATE.

*19. RES-324-20 A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE TYPE 4 CAPITAL IMPROVEMENT CONTRIBUTION AGREEMENT, BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF ARTS & HISTORY) AND CAPITAL CITY DEVELOPMENT CORPORATION (“CCDC”) FOR 2019 WESTSIDE PARK PUBLIC ART; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*20. RES-325-20 A RESOLUTION APPROVING A SITE SUPPLEMENT AGREEMENT, BETWEEN POWDER RIVER, ON BEHALF OF VERIZON WIRELESS, AND THE CITY OF BOISE CITY FOR THE INSTALLATION OF A 5G SMALL CELL TOWER LOCATED AT 3985 N SHAMROCK AVENUE; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*21. RES-326-20 A RESOLUTION APPROVING A SITE SUPPLEMENT AGREEMENT, BETWEEN POWDER RIVER, ON BEHALF OF VERIZON WIRELESS, AND THE CITY OF BOISE CITY FOR THE INSTALLATION OF A 5G SMALL CELL TOWER LOCATED AT 11808 W GOLDENROD AVENUE; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*22. RES-327-20 A RESOLUTION APPROVING A SITE SUPPLEMENT AGREEMENT, BETWEEN POWDER RIVER, ON BEHALF OF VERIZON WIRELESS, AND THE CITY OF BOISE CITY FOR THE INSTALLATION OF A 5G SMALL CELL TOWER LOCATED AT 4408 N WISTERIA PLACE; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
23. RES-328-20  A RESOLUTION APPROVING A SITE SUPPLEMENT AGREEMENT, BETWEEN POWDER RIVER, ON BEHALF OF VERIZON WIRELESS, AND THE CITY OF BOISE CITY FOR THE INSTALLATION OF A 5G SMALL CELL TOWER LOCATED AT 19955 W. GRENADEIR DRIVE; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

24. RES-329-20  A RESOLUTION APPROVING A SITE SUPPLEMENT AGREEMENT, BETWEEN TECHNOLOGY ASSOCIATES, ON BEHALF OF VERIZON WIRELESS, AND THE CITY OF BOISE CITY FOR THE INSTALLATION OF A 5G SMALL CELL TOWER LOCATED AT 9948 W. LA HONTAN DRIVE; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

25. RES-330-20  A RESOLUTION APPROVING CHANGE ORDER NUMBER 6 TO FB 19-444, BERNARDINE QUINN PARK GREEN-UP, BETWEEN THE CITY OF BOISE CITY (PARKS AND RECREATION DEPARTMENT) AND TDX POWER SERVICES, LLC; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID CHANGE ORDER; AND PROVIDING AN EFFECTIVE DATE.

26. RES-331-20  A RESOLUTION APPROVING AND RATIFYING A TEMPORARY AND NON-EXCLUSIVE LICENSE AGREEMENT BETWEEN THE CITY OF BOISE CITY (LIBRARY) AND INTERFAITH SANCTUARY HOUSING SERVICES, INC. PERMITTING USE OF SPACE FOR DAY SHELTER PURPOSES; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY RATIFY SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

27. RES-332-20  A RESOLUTION APPROVING AN AGREEMENT AND AWARD FOR FB 20-335; NEW/UNUSED CLEAVER BROOKS FIRE TUBE BOILER, BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND COLE INDUSTRIAL, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT AND AWARD; AND PROVIDING AN EFFECTIVE DATE.

28. RES-333-20  A RESOLUTION (SOS20-00019) VACATING PLAT NOTE NO. 14 WHICH PROHIBITS DIRECT VEHICULAR ACCESS FROM MELROSE ST. FOR LOT 3 BLOCK 1 OF THE AMENDED GILL WOOD SUBDIVISION NO. 2, AS
*29. RES-334-20 A RESOLUTION APPROVING AMENDMENT NUMBER #1 RFP 17-391: BOI SECURITY SERVICES, BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF AVIATION) AND UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL SECURITY SERVICES; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

*30. RES-335-20 A RESOLUTION DECLARING THE INTENT OF THE CITY OF BOISE CITY: (A) TO DECLARE CERTAIN REAL PROPERTY, CONSISTING OF 0.55 +/- ACRES OF LAND AND THE ATTACHED IMPROVEMENTS, TOGETHER ADDRESSED AS 4422 W. OVERLAND ROAD, LOCATED IN BOISE CITY, ADA COUNTY, IDAHO, AS UNDERUTILIZED OR NOT USED BY THE CITY FOR PUBLIC PURPOSES, AND (B) TO FIND THAT SELLING THE PROPERTY IS IN THE PUBLIC INTEREST, AND (C) TO OFFER THE PROPERTY FOR SALE AT AUCTION; AUTHORIZING CITY STAFF TO TAKE ALL REASONABLE STEPS TO PREPARE THE AUCTION, INCLUDING DETERMINING AND ESTABLISHING A MINIMUM PRICE FOR THE PROPERTY; DIRECTING THE CITY CLERK TO SET AND PUBLISH NOTICE OF A PUBLIC HEARING TO REVIEW THE INTENDED SALE OF THE PROPERTY AT AUCTION, AND TO PUBLISH A SUMMARY OF THE ACTION TAKEN BY THE CITY COUNCIL; AND ESTABLISHING AN EFFECTIVE DATE.

*31. RES-336-20 A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE WEST END DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOISE CITY AND THE WHITESTREAM PROJECT, LLC; AUTHORIZING THE MAYOR AND CITY CLERK, RESPECTIVELY, TO EXECUTE AND ATTEST THE AMENDMENT ON BEHALF OF BOISE CITY; AUTHORIZING CITY STAFF TO RECORD THE AMENDMENT IN THE OFFICIAL RECORDS OF ADA COUNTY; APPROVING UPDATED CONCEPTUAL PLANS FOR DEVELOPMENT OF THE WEST END PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

*32. RES-337-20 A RESOLUTION DECLARING THE INTENT OF THE CITY OF BOISE CITY: (A) TO DECLARE CERTAIN REAL
PROPERTY, CONSISTING OF 0.76 +/- ACRES OF LAND ADDRESSED AS 2855 W. MAIN STREET, LOCATED IN BOISE CITY, ADA COUNTY, IDAHO, AS UNDERUTILIZED OR NOT USED BY THE CITY FOR PUBLIC PURPOSES, AND (B) TO FIND THAT EXCHANGING THE PROPERTY FOR REAL PROPERTY OF EQUAL VALUE IS IN THE PUBLIC INTEREST; DIRECTING THE CITY CLERK TO SET AND PUBLISH NOTICE OF A PUBLIC HEARING TO REVIEW THE INTENDED EXCHANGE, AND TO PUBLISH A SUMMARY OF THE ACTION TAKEN BY THE CITY COUNCIL; AND ESTABLISHING AN EFFECTIVE DATE.

*33. RES-338-20 A RESOLUTION APPROVING THE TRANSFER OF FY 2020 APPROPRIATIONS FROM THE CONTINGENT APPROPRIATION FUND TO IDENTIFIED OTHER FUNDS TO PROVIDE BUDGET AUTHORITY FOR CONTINGENT UNAPPROPRIATED GRANT AWARDS, ADDITIONAL SERVICES, AND OTHER APPROVED EXPENSES AND REVENUES; AND PROVIDING AN EFFECTIVE DATE.

*34. RES-339-20 A RESOLUTION APPROVING A SITE SUPPLEMENT AGREEMENT, BETWEEN POWDER RIVER, ON BEHALF OF VERIZON WIRELESS, AND THE CITY OF BOISE CITY FOR THE INSTALLATION OF A 5G SMALL CELL TOWER LOCATED AT 4354 W WELLSPRING AVE; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

D. SUBDIVISIONS - FINAL PLATS/TIME EXTENSIONS

*1. Caritas Commons Subdivision, SUB20-00034, Boise City Final Plat, (SUB20-00034 / Caritas Commons Subdivision / LEAP Charities, Inc. / 9831 W Shields Ave / Final plat for a residential subdivision comprised of 2 common and 14 buildable lots on 1.90 acres in a R-2D/DA (Medium Density Residential with Design Review and Development Agreement) zone.)

VII. ORDINANCES

A. FIRST READING

Moved that all ordinances on first reading be read by number and title only and filed for the Second Reading Calendar.
RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Lisa Sánchez, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

1. ORD-25-20 AN ORDINANCE AMENDING TITLE 9, CHAPTER 2, DEVELOPMENT IMPACT FEE, SECTION 12(B), BOISE CITY CODE; THIS AMENDMENT UPDATES THE DEVELOPMENT IMPACT FEES PER SERVICE UNIT; AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 2020.

RESULT: FIRST READ
Next: 8/25/2020 6:00 PM

2. ORD-26-20 AN ORDINANCE AMENDING TITLE 2, CHAPTER 4, SECTION 3, BOISE CITY CODE (PLANNING AND ZONING COMMISSION: MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES); AND PROVIDING AN EFFECTIVE DATE.

RESULT: FIRST READ
Next: 8/25/2020 6:00 PM

3. ORD-27-20 AN ORDINANCE AMENDING TITLE 2, CHAPTER 6, SECTION 2, BOISE CITY CODE (PUBLIC WORKS COMMISSION: MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES); AND PROVIDING AN EFFECTIVE DATE.

RESULT: FIRST READ
Next: 8/25/2020 6:00 PM

4. ORD-28-20 AN ORDINANCE AMENDING BOISE CITY CODE TITLE 1, CHAPTER 9, BY REPEALING SECTION 5, SPECIAL CITY QUESTION ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

RESULT: FIRST READ
Next: 8/25/2020 6:00 PM

5. ORD-29-20 AN ORDINANCE (CAR20-00002 FOR PROPERTY LOCATED AT 8306 W STATE STREET) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM SINGLE FAMILY RESIDENTIAL, LARGE LOT (R-1A) TO MULTI-FAMILY RESIDENTIAL WITH DESIGN REVIEW (R-3D); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE.
B. FIRST, SECOND, AND THIRD READING

Moved that all rules of the Council interfering with the immediate consideration of (ORD-24-20) be suspended: that portions of Idaho Code 50-902 requiring an ordinance to be read on three different days, twice by title and once in full be dispensed with and the record show it has been read that third time in full.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Lisa Sánchez, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

1. ORD-24-20 AN ORDINANCE, ENTITLED THE “ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020,” APPROPRIATING $730,492,755 DEEMED NECESSARY TO DEFRAY ALL EXPENSES AND LIABILITIES OF THE CITY OF BOISE CITY, IDAHO, FOR SAID FISCAL YEAR; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

RESULT: APPROVED [4 TO 2]
MOVER: Elaine Clegg, Council President
SECONDER: Lisa Sánchez, Council Member
AYES: Clegg, Woodings, Bageant, Thomson
NAYS: Hallyburton, Sánchez

VIII. UNFINISHED BUSINESS

   Clerk's Note: Councilmember Thomson left the meeting at 6:29 PM.

IX. NEW BUSINESS

A. SUBDIVISIONS

1. Mooseland Estates Subdivision, SUB19-00075, Boise City Preliminary Plat, (SUB19-00075 / Mooseland Estates Subdivision / Crimson Real Estate, LLC / 3976 N Cloverdale Rd / Preliminary Plat for a residential subdivision comprised of 11 buildable lots on 2.38 acres located in a R-1C (Single Family Residential) zone.)
Cody Riddle, Planning and Development Services presented the item to Council.

Dean Briggs, Applicant Representative, 5999 W State St, Ste A, Garden City, ID was in agreement with staff’s recommended Conditions of Approval.

John Taylor, 9570 W Telfair Dr, Boise, ID; Andrea Crichton, 4000 N Cloverdale Rd, Boise, ID; and Carl Dorsey, 3897 N Lakegrove Way, Boise, ID testified on the item through the virtual meeting.

No one in the audience indicated they wanted to testify on the item.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Lisa Sánchez, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez
ABSENT: Thomson

2. Wise Way Subdivision, SUB20-00020, Boise City Preliminary/Final Plat, (SUB20-00020 / Wise Way Subdivision / Barber Valley Development / 2940 S Perrault Way / Preliminary and Final plat for a residential subdivision comprised of 4 buildable lots on 1.51 acres in a SP-01 (Harris Ranch Specific Plan) zone.)

Cody Riddle, Planning and Development Services presented the item to Council.

Hethe Clark, Applicant Representative, 251 E Front St, Ste 310, Boise, ID; and John Mooney, Barber Valley Neighborhood Association, 7153 E Highland Valley Rd, Boise, ID testified on the item through the virtual meeting.

No one in the audience indicated they wanted to testify on the item.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Lisa Sánchez, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez
ABSENT: Thomson

B. PUBLIC HEARINGS

1. CUP20-00008 / Jacque Gingerich / 10201 & 10257 W Shields Ave / Modification to a previously approved conditional use permit for a special exception to operate a landscaping business on approximately 2.08 acres in a R-1C (Single Family Residential) zone.

David Moser, Planning and Development Services presented the item to Council.

Travis Gingerich, Applicant, 4800 Horizon Dr, Boise, ID; Mark Olsen, 10473 W Shields Ave, Boise, ID; and Julie Perkins, 9856 W Shields Ave, Boise, ID testified on the item.
Tim Strouse, 10348 Utahna Rd, Boise, ID and his neighbor, 10332 Utahna Rd, Boise ID testified on the item through the virtual meeting.

Motion to approve modifications to the CUP to allow placement of a mobile office building and allow vinyl fencing in place of wood fencing on the street frontage and to deny the request to allow the business to operate year round.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Lisa Sánchez, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez
ABSENT: Thomson

Clerk's Note: Mayor announced a five minute break.

2. CAR19-00031 / Fig Village at Parkside LLC / 511 N Maple Grove Rd / Rezone of 5.16 acres from an M-1D (Light Industrial with Design Review) zone to a C-1D/DA (Neighborhood Commercial with Design Review and Development Agreement) zone.

Cody Riddle, Planning and Development Services presented the item to Council.

Kent Brown, Applicant, 3161 E Springwood, Meridian, ID testified on the item through the virtual meeting.

No one in audience or virtual meeting indicated they wanted to testify on the item.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Lisa Sánchez, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez
ABSENT: Thomson

3. CVA20-00009 / James Ritter / 1110 W Eastman St / Appeal of the Planning & Zoning Commission's approval of a variance to encroach into the front and street-side setbacks for a new single-family home on 0.07 acres in a R-1CH (Single Family Residential with Historic District Overlay) zone.

Cody Riddle, Planning and Development Services presented the item to Council.

Kim Gourley, Appellant Representative, 225 N 9th St, Ste 820, Boise, ID; Ken Reed, Applicant Representative, 2415 Compass Dr, Boise, ID; Terri Pickens Manweiler, Applicant Representative, 398 S 9th St, Ste 240, Boise, ID; Sean Murphy, 1610 N 11th St, Boise, ID; Steve Hardy, 1522 N 11th St, Boise, ID; Jason Hesse, 1613 N 11th St, Boise, ID; and Patrick Spoutz, 912 W Brumback, Boise, ID testified on the item in-person and in the virtual meeting.
Motion to deny the appeal and uphold the Planning and Zoning Commission's approval of a variance.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez
ABSENT: Thomson

X. ADJOURNMENT

Motion to adjourn the City Council meeting.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Lisa Sánchez, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez
ABSENT: Thomson

APPROVE:

Lauren McLean, Mayor

ATTEST:

Lynda Lowry, Ex-Officio City Clerk
I. **CALL TO ORDER**

PRESENT: Marsh, Aguilar, Zabala, Talboy, Semple, Zuckerman
ABSENT: Rudeen

II. **MINUTES**

1. Design Review Committee Minutes / June 10, 2020

   **RESULT:** APPROVED [UNANIMOUS]
   **MOVER:** Dana Zuckerman, Committee Member
   **SECONDER:** Ben Semple, Committee Member
   **AYES:** Marsh, Aguilar, Zabala, Talboy, Semple, Zuckerman
   **ABSENT:** David Rudeen

III. **CONSENT AGENDA**

3. **DRH20-00204 / Jeff Likes, ALC Architecture**
   Location: 1277 E. Exchange Street
   Construct a self-service storage facility consisting of five buildings totaling approximately 113,700 square feet and associated site improvements in a M-1D (Light Industrial with Design Review) zone.

   **RESULT:** APPROVED [UNANIMOUS]
   **MOVER:** Ben Semple, Committee Member
   **SECONDER:** Dana Zuckerman, Committee Member
   **AYES:** Marsh, Aguilar, Zabala, Talboy, Semple, Zuckerman
   **ABSENT:** David Rudeen
IV. NEW BUSINESS

4. **DRH20-00230 / Curtis Crystal**
   Location: 12451 W. Overland Road
   Construct a self-service storage facility consisting of six buildings totaling approximately 77,000 square feet and associated site improvements in a C-2D/DA (General Commercial with Design Review and Development Agreement) zone.

   **Katelyn Menuge:** Presented project report noting she received public comment that included concerns with the construction and operation hours, and lighting and screening.

   Stated the Conditional Use Permit limits hours of operation between 6:00 a.m. and 10:00 p.m. with limited construction hours and the Development Agreement requires a 6-foot tall screen wall or fence in areas where the building cannot be located between the canal and vehicle use. Added there are also conditions requiring downward facing full-cutoff fixtures with a required photometric plan prior to a building permit issuance.

   Recommended approval with conditions contained in the project report.

   **Applicant Testimony**

   **Curtis Crystal:** Agreed with terms and conditions.

   **Neighborhood Association:**

   **Jerome Berner (Cloverdale West Subdivision):** Testified his concerns were addressed in presentation and conditions of approval. Waived time for other members of Subdivision.

   **Public Testimony**

   **Maria Gamboa:** Asked how owner can ensure storage units tenants will adhere to operational hours and if there have been considerations made regarding the vehicular lights moving throughout the storage facility and how they would impact the homes facing the units.

   **Applicant Rebuttal**

   **Curtis Crystal:** Stated hours of operation are controlled by security gates and that they will work with staff to mitigate headlight issues
onto the street noting headlights within the site will not be an issue as they are blocked by the buildings.

Public Portion Closed

No Committee Deliberation

RESULT:  APPROVED [UNANIMOUS]
MOVER: Thomas Zabala, Committee Member
SECONDER: Dana Zuckerman, Committee Member
AYES: Marsh, Aguilar, Zabala, Talboy, Semple, Zuckerman
ABSENT: David Rudeen

1. **DRH20-00051 / Blane Harvey**

   Location: 2502 W. Bannock Street
   Construct a five-unit, three-story multi-family residential building with three detached garage buildings and associated site improvements on property in a R-3D (Multi-Family Residential with Design Review) zone.

   **KayCee Babb:** The property is located at the corner of Bannock and 25th. The land use of the property is high density. In the R-3D Zone the density is 43.5 units per acre and at approximately .28 acres the property would be permitted to construct 12 units. The maximum height is 45 feet.

   This slide shows adjacent properties. As you can see, they are mostly single-story, single-family homes. A couple have somewhat taller roof peaks. We can go back to these images during discussion.

   This project had some redesigns which I think are important to go over to understand what the project is now and to see the overall progress of the design. Originally this project was proposed with nine units and required a Planned Unit Development (PUD) to move forward. It was then reduced to seven units also needing a PUD. The applicant ended up withdrawing the PUD application as well as a Variance that was associated with the designs and redesigned project. Once again, into a five-unit development. Per the Boise City Zoning Code, five units on this property does not require a Conditional Use approval and prior approval by the Planning and Zoning Commission is no longer required.

   Even the five-unit development has gone through some design changes. On the left you can see the initial proposal. After discussions with the applicant they decided to redesign in a way to
address some of the public comments that we had received. They opted for a front gable design that reflects the pitched roofs in the neighborhood. The front façade also presents itself more as three units rather than five with the play of the modulation. The materials were also changed from stucco to lap siding for a more residential feel. Some of the comments in the Committee’s packets were submitted before June 23rd which is when the current design was submitted. All members of the public who had provided comments before that date where directly contacted with the new drawings so everyone should be aware of the current design that we are discussing.

Here we see the up-to-date site plan of the new five-unit development proposed on site. During the latest redesign there were a few dimensions that were altered and as such conditions have been added to meet the 22 feet of backup space and to reduce the front patios, so they no longer encroach 3-inches into the front setback. This has been agreed upon by the applicant and all other setbacks are met.

The landscape plan is providing the required Type B landscaping buffer between the development and the property to the west including five deciduous trees as well as some evergreen planting in between to add some screening between those units.

We have received comments from a neighbor that the proposed Honey Locust street trees were not preferred due to their seed pods. While we believe the variety selected by the applicant are not the same as those that would have those seed pods. We wanted to ensure that the new trees will not cause an issue for the neighborhood and a different species will be chosen. The Autumn Glory Maple proposed by the applicant is not permitted by Community Forestry so the final selection of the species will be through Community Forestry and we’ll make sure that it is not the Honey Locust. There will be tree mitigation in the form of paying into the Tree Fund for an existing desirable tree that will be removed. Rather than overcrowd the site and lead to potential future problems the applicant proposed working with Community Forestry with that Tree Fund. The details of the tree mitigation plan are in the report and I can answer any questions.

Finally, there were some initial comments from Fire that they may need additional aerial access to the site. We are still working with Fire to determine their needs, but it appears that the solution will be reducing the number of street trees along 25th by either one or two. Community Forestry has already agreed and due to it being a
requirement for Fire safety Design Review can approve to reduce the number of street trees. The applicant will pay into the Tree Fund for any removed trees as necessary and will have the tree situation resolved prior to issuance of building permits.

Here you can see the elevations which we can go back and discuss further during discussion as well as the colored renderings.

The applicant has agreed to all conditions in the project report except one. Condition e. reads, “All windows above the ground floor shall incorporate window trim of at least 4-inches in width that features a contrasting color”. Per the Design Review Guidelines, “Windows shall either have the 4-inches of trim or be recessed a minimum of 2-inches”. We find that the trim has a more residential feel while the recessing is a bit more modern. As such, to work with the public comments discussing the architectural style we did opt for the trim. There is a departure option for the window standards. However, no departure was directly proposed by the applicant after they were initially notified of the trim requirement. As such, staff is remaining conservative in our recommendation, but the Committee is permitted to discuss this topic and either strike or modify the condition.

We have a number of people who have signed up to give testimony on the project and as I mentioned, we have a number of written comments beforehand which are all attached to the project report.

Here you can see a summary of the main written comments and their concerns. The main concern is compatibility with the neighborhood. Staff believes the design changes present a more residential and traditional feel that compliments the single-family homes in the area while also providing a balance for the allowed and appropriate density. Concerns about density and height have also been provided. As noted, the R-3 Zone allows for higher density and increased height more than some of our other residential zones. The project is actually below in both density and height than what would be permitted on site.

There are also concerns over parking. The Multi-Family Standards allow for on-street parking immediately adjacent to development to reduce the number of required on-site parking required. As such, the site is actually providing more on-site parking than what is necessary. With the five adjacent on-street parking spaces they would only need three on-site parking spaces and they are providing five. As a reminder parking is determined by the Boise
City Zoning Code and is not within the Design Review Committee’s jurisdiction to modify.

Finally, we did receive comments about existing trees. Again, the tree mitigation plan can be found in the report. Most of the trees on-site now are not desirable and would either interfere with or be damaged by construction on this site.

Due to the public interest on the project I felt it important to highlight the limitations of the Design Review Committee per the Boise City Zoning Code for everyone’s benefit. The Committee is prohibited from requiring reduction in density, reduction in floor area ratio or other general bulk regulations outside of substandard lots unless it can be shown the project specifically harms public safety, health or destruction of property values. If during discussion the Committee wishes to modify the aforementioned elements, I ask that we have specific findings and relations to those harms.

Again, staff does recommend the approval of DRH20-00051 with the attached conditions of approval. I’m now available for any questions and I can help clarify anything during discussion.

Committee Member Semple: I did have one question regarding the 15-foot setback off of the west property line. In looking at the elevations from Bannock it appears that the majority of the massing of the building is at 10 feet. Can you, KayCee, discuss how the 15-foot setback to the third floor is being met? I think that will benefit the discussion as well as provide some more information for the public that has provided comment.

KayCee Babb: The third floor does require 15-foot setbacks versus the 10 feet for the first and second stories. So, the 15 feet is the actual living space as well as the rooftop decks. There is some roofing material that is within the 10-foot just because you have to do that with the architecture to be able to have that sloped roof versus the flat parapet design that was previously proposed. However, there is no living space or anything that we have reviewed for that 15-foot setback encroaching.

Applicant Testimony

Blane Harvey (Applicant): We are excited you are hearing this tonight. Thank you, Mr. Chairman and Committee. We definitely have been through quite the process so far. Moving through the PUD process and taking public comment back and trying to find a balance on this site to still meet the neighborhood concerns while
also building a project under the approved Planning and Zoning outline for the density.

We’re relatively in agreement with everything in the report. As mentioned, we have a little bit of concern on the window trim. We would like to ask the Committee to allow us to work with staff to find a balance there. We think that it might not apply to every condition on that structure. We definitely agree with providing some contrast and blocking around those windows, but maybe in some circumstances it would not really benefit the project. It may actually hurt the project. So, that is how we’d like to see that addressed. Obviously, we can answer some questions on that. I have two examples to show you from a rendering perspective.

Secondarily, on the report the only other thing we might want to bring up is neighborhood conformity. I know it was mentioned and shown...there were a lot of pictures of adjacent properties. I think there were two properties that are within a stone’s throw away from this that are structures of at least two stories. We do have pictures of that on-site. We went through the entire West End area and documented every two-story structure in the neighborhood and plotted those for you to see that it still fits within a conforming use within the general broad sense of the neighborhood. I’m happy to bring that up and show it to you. I think I need to get pushed up so I can share a screen.

**Josh Wilson:** I’ll promote him to a panelist. Blane, you’ll be dropped off for just a second.

**Blane Harvey:** Okay, thank you. The first thing we were talking about is structures adjacent to the property. This property is directly northeast of the property. It is, as you can see, I’m standing at our property at 2502 Bannock looking northeast. You can tell this is two-story structure. Then I’ve walked up next to that gray vehicle and stood directly in front of it in the middle of street and took an additional picture to show with the dormer that there is living space up there and being used. We want to point that out that we’re not the only structure right there that is of significant mass.

The other thing I want to pull up was just the West End in general. These are just simple Google Maps...obviously Downtown, the West End, our proposed site...I’ll zoom in for a second. This is a screen shot here. I’m going to overlay the zoning. This is a C-2 Zone, this is a C-5 Zone, this is a R-3 Zone. The R-3 Zone as you can see here outlines it as a transitional zone in density and height to move into a residential component. I think that it is important to note that
anyone along all of Bannock, all of Idaho has the right to build this structure or something. That is the intent of that code, to transition from C-5 Zoning into these residential areas. Without this it really could limit...it doesn’t provide that transition and we think that we’ll see more of this continue to develop in this area in the future. I know previous sites on the Salvation Army site had some density, zoning and heights. I know that it did not make it through a PUD application, but it did have similar proposed heights to our structure, and it is located not five to seven blocks away. As far as other multi-story structures in the West End, these red dots represent every two-story structure in the West End so you can see there are plenty of examples of that. Then for non-residential structures those yellow dots represent non-residential structure in the West End. We’re obviously a residential structure, but in size and scale we think that these are a good example of the diversity within this neighborhood. It is not predominantly all single-family, one-story homes. With that, everything else in the report we definitely agree with.

Chairman Marsh: Did you say you had an exhibit that you wanted to show on windows and how you want to treat those?

Blane Harvey: I do. I can bring that up. As far as windows go, we did two options. The option to the left as you can see does not have the designated 4-inch trim that we suggested. Although we agree with some of the 4-inch trim around the windows to get a little bit more massing and blocking as you can see on the right we think sometimes that condition might not be conducive or it might need to be connected as a whole to the upper story massing. We think that what we’d like to see (inaudible) that staff wants it to accomplish.

Chairman Marsh: We had a little audio problem there, but I believe the intent of what you were saying is some consistency on the trim...your desire would be to work with staff to find an acceptable solution between both of your parties.

Blane Harvey: Correct.

Neighborhood Testimony

Lauren Pennisi (West End Neighborhood Association): I think there may be one or two other members from the neighborhood association who are on as well. Maybe I’m the spokesperson.

Josh Wilson: Jason Durand is the registered neighborhood representative. Would he like to speak?
Lauren Pennisi: He is the President, yes. I’m on the West End Neighborhood Association Board, but he is the President.

Josh Wilson: You can certainly speak as well, whatever your preference.

Jason Durand (President, West End Neighborhood Association): I’m the President, but Lauren has agreed to speak on behalf of the neighborhood association.

Lauren Pennisi (West End Neighborhood Association): I do have a little slide show with just a few slides. I think seven or eight slides. I’m used to being the host of ZOOM meetings so this is a new role for me.

I’ve lived at my residence and neighborhood for 30 years. I picked this neighborhood because it is historic and has that old timey feel. I appreciate that and I do value it.

Presentation with photos. This is a picture of the house at 2502 that I just took yesterday as a matter of fact. It is looking a little run down, but it is still a beautiful house and there is a lot of history there as there is with our entire neighborhood.

We’ve had two surveys now of the history of our neighborhood. One from the City and most recently from the State Historical Preservation organization. Both surveys have the historic value of the residences in this neighborhood and that it does have a lot of character and uniqueness. There are two surveys and a lot of noted qualities about this particular house that is going to be demolished. The neighborhood itself, as I mentioned, has a lot of history and in particular about those properties on Idaho and Bannock Street. More than 50-percent of those properties contribute to the historic district of our neighborhood which I think is very important and has been noted in Blueprint Boise that, yes, we want to do infill, but we also want to protect the history of our neighborhoods. That is an important point to focus on.

Also, in Blueprint Boise there is the talk about environment. It is one of the principals preserving the history and the historic resources of the City. Another principal and even though this project has been approved and the house is going to be demolished if there is anything we can do to salvage any part of the house or any of the structures…I don’t know if this Committee does that, but that would be something to at least entertain. The idea that mixed use or infill...
projects occur in a historic neighborhood, they should still respect and be in scale with other surrounding buildings. Yes, there are two-story structures and two-story houses in this neighborhood, but there is a harmony and a compatibility with those structures.

I wanted to point this out. This is new construction on 2611 W. Woodlawn. There was a small house here that was demoed, and this is the new house that’s being constructed. This is a two-story, but it fits. It fits with the surrounding houses and it makes use of compatible materials with other homes and I think that’s important.

This is the other new construction I wanted to point out. This is a new house that’s going in at 23rd & Idaho. This was a bare lot, and this is the home that is being built. I don’t know what the finished product is going to look like, but this is at least size and scale with some of the surrounding buildings. Which here, this house faces the park. It is on the other side of Fairly Reliable Bob’s (auto sales). Also, single-story structures, but it kind of fits and I think that’s important to note.

With these five units again, the materials should be compatible with the existing homes. The pictures that staff showed, showed that most of them are single-story, very traditional looking and the designs Blane Harvey showed, while they are very nice, they are not compatible with the designs and the structures and the materials of the existing homes in neighborhood. This is why you come to this neighborhood. That is what you get when you come to this neighborhood. You want the history and that’s why you’re coming here. It is important to respect that and to ensure that we add things that are compatible. What I’ve heard from Blane Harvey and his architects is that people want this modern contemporary design, but where is the research to suggest that? I question that. I just did a Google search myself for new designs and materials that make buildings look like they’ve been there for 100 years. There is a lot of things...this must be a thing because there are a lot of articles and opportunities to do that.

There was the neighborhood input and we still have some concerns about this structure and how it is going to impact the residents who are immediately adjacent...next door I should say...across the street or across the alley. They want to make sure that it’s respectful of the surroundings and not something so contemporary to ensure there is privacy with the second and third story decks. There are concerns that people will lose the privacy of their yards because they will have people’s eyeballs looking at them. That is another concern.
In conclusion, anything new should be compatible. Again, you can use materials and design to make a new structure look and feel historic. We are losing part of the history of our neighborhood. We’re not going to get that back. The institutional design yeah, it may be what people want and may be what is all over Downtown Boise, but this is a residential neighborhood. It is still a neighborhood and it has history and it deserves to be preserved. It would also be a benefit to conform to some of the specs and principles that appear in Blueprint Boise about history and environment.

**Jason Durand:** Nothing further. I signed up to ensure the neighborhood association, at least one of us was present.

**Public Testimony**

**Brian Chojnacky:** I have a couple of comments/questions. I’ll start by saying I live not adjacent to the property, but one house removed on Bannock Street. I have lived there since 2009. I own a home. My question is in regard to the rooftop deck of the westernmost unit and how that being setback 15 feet will be enough mitigation and perhaps including some of the landscaping I haven’t been made aware of. How will that mitigate the ability for the residents to peer down into, not only my backyard, but the neighbor next to me between this property and my home. That’s a question I have.

One more thing is in regard to the trees and the tree mitigation. It is my understanding that only the trees on the actual property would be removed. It seems, and I could be wrong here, that the discussion tonight is centering on more than that. So, my question is, will the trees that are currently there...these are 80 plus year old Sycamores on the public right-of-way between the sidewalk and 25th Street, be maintained and preserved or are they planning to be removed as well?

**Robert Finley:** On sign-up sheet, but not shown in attendance.

**Keeley Keating:** I live right next to that yellow house you were talking about. As much as it would be nice to have someone living up there it is really mostly attic. While it could be a bedroom, it isn’t, and it never has been. There really isn’t any three-story around here and as much as we’ve gone back and forth and as much better people than I have articulated tonight, the real point is that the third story changes the whole look and feel of the neighborhood.
While they have gone back in and looked at it, the alley, kids walk down there. I've had several parents come and talk to me about how are their kids going walk to school when all those cars that are going to be coming out? I know they’ve made it smaller, but that is a walkway that has been designed by the City for those children to walk to school. In the middle of the pandemic maybe they never get to again, but they want to. We want to make sure and we want to preserve this neighborhood so that they can.

My sister has owned that big old yellow house for more than 40 years. It is an amazing part of this community. In one of the other pictures you had a green and blue house on the other corner. My niece owns that. We’ve all moved here because this is the neighborhood, this is family. We lost one of the members of the neighborhood recently and 150 people in the middle of a pandemic came together because we are a community and we want to continue to be a community if we can. A house that doesn’t fit with that community is going to change it tremendously.

**Scott Shea:** I am speaking from Texas. I own the property across the street at 2501 W. Bannock. It is presently leased, but I do intend, at some point, to live there myself. I submitted written opposition to the building and I’m echoing what has already been said, but I think that property is going to stick out like a sore thumb in our neighborhood. The neighborhood is primarily Cottage Bungalow style. This is the first multi-unit to this extent. It is going to signify a change in this neighborhood for this development to go in. What is going to happen is the other properties will be bought by developers with further multi-units coming in and it is going to change that block. It is not going to be immediate, but it is going to happen, and this is where it will start.

What I would like is to have some structure put in there that matches the rest of that block so that it has its same ambience and charm preserved. If we allow this in it is going to signify the first of many more in the future and the charm and ambience of that historic block will be lost. I intend on living there myself or at least that is what I had intended on doing, but if I have to look at a large structure across the street it is going to detract from the feel and atmosphere that I wanted to have there. That is why I bought the property across the street to begin with. That’s all I have to say. I’m basically repeating what the neighbors who live there believe.

**Lanna Mclean:** I live across the street from the adjacent property that is going up. I agree totally with all the ones that agree. We do not want a three-story apartment building across. We want
something that fits into our neighborhood. My husband’s mom and dad built the house we live in. We just need to preserve this neighborhood.

**Applicant Rebuttal**

**Blane Harvey:** I appreciate the time to address comments that were mentioned. I think they definitely pointed out some neighborhood characteristics, but I would like to remind the Committee that at this time there is no historical designation at all for this portion of the City. Whether an application or a survey has been complete, nothing currently exists. As far as the other comments I felt most of those were zoning issues and not Design Review or the Design Review Committee issues.

Brian brought up a potential for screening from a privacy issue on the neighbors. Landscaping requirements have been implemented under your design review stipulations for landscaping on the fence, an additional divider fence along the front setback and then ensuring that we meet the proper 15-foot setback on the rooftop deck or patio structure up there which should not allow someone standing there to peer over the edge of that structure. It should give a blocked sight line at that point. Now, if someone is leaning over the rail or getting around the corner, I can't stop that, but architecturally I think we've solved that concern.

He also brought up the Sycamore in the right-of-way might be removed. To my knowledge and unless Fire requires that in no way would we want to remove that tree. That tree is gorgeous, and we like it a lot. We think it is a great aesthetic to the site. I think Fire has gave comment that they might require a tree to be removed in the right-of-way on Bannock. Presently there are not trees there. We are proposing planting three new trees there, but if Fire stipulates that we can only do two then we'll just pay into the tree fund for any caliper we need to replace.

To the lady that commented about access and walkability. I think the alleys are meant to serve vehicles not pedestrians. I would employ her to use the sidewalks that are provided.

I know Scott Shea had a concern on the cross street. He made a comment that this would be the first multi-unit in the area. Scott Shea’s building is a multi-unit building and in fact there are multi-units adjacent to our property at 2501, 2509 and 2425 W. Bannock.
That’s all we have, and we appreciate it and hope to answer any other questions.

Public Portion Closed

Committee Member Semple: I wanted to make a couple of comments specifically about the neighborhood. I can understand the concern about the massing of the project in terms of what is already there compared to what is being proposed, but in looking at the design of this building or these homes, they are below the allowed height in R-1C even of 35 feet or at really any residential zone of 35 feet. As was stated at the beginning we’re not looking at the height of it. I wanted to point that out. It is at 32 feet and a single-family home can be built in R-3 here at 45 feet if they wanted to. It appears from the elevations they are at 32 feet plus a few inches. It seems that the height is really close to existing buildings there.

I know I heard one of the neighbors talk about or mention an apartment, but as far as I can tell this is shown as a condominium project which is a for-sale product which hopefully encourages or provides additional residents that want to live in the West End to buy a unit and to live there. I personally rent in Boise right now so living in the West End is a very desirable neighborhood. I’ve looked there to try to purchase a home as well. I think that additional housing in this area and this was probably addressed at Planning and Zoning as well, it encourages additional residents who want to become members of this community and members of this neighborhood to live in that space.

The landscaping…obviously anything that is removed from the right-of-way has to be mitigated for substantially. It doesn’t appear that anything in the conditions of approval or any comment from any of the other agencies would require the removal of that existing Sycamore. I did see a chat from Brian that talked about two. I can only see one Sycamore on 25th that is between the alley and Bannock and based on the applicant’s discussion, they don’t intend to remove that. I don’t think, unless it was required by Fire, it sounds like it would be removed.

I commend the applicant for going back through the process to reduce the number of units. I think that shows a lot of effort on his part to try to fit in, as well as modify the design to provide some pitched roofs rather than a very modern design from before with the flat roofs. In terms of the design I think it fits. Those are my comments on it right now.
Committee Member Zuckerman: I concur. I didn’t think the original plan fit in very well with the neighborhood but looking at the pitched roofs and seeing that the five-unit building looks like it really only has three-units makes it work much better with that neighborhood.

I also agree that because this is a for-sale project it should be a great addition to the neighborhood. It’s not that kind of condominium building were people have to go down the elevator into a lobby. It addresses the street and will bring people onto the sidewalk which will only compliment the energy of the neighborhood. It is one of those things that is jarring if you’ve lived in a single-family home on that block or on an adjacent block, but within a year or two it will blend right into the rest of the neighborhood and no one will think twice about it.

I also want to address what one of the neighbors said about looking at materials and designs that can make a new building look like a historic building. That is the worst thing you could possibly do is to try to build something and pretend it is 100 years old or pretend that it is historic. That rarely works well. What works well is what this developer is proposing. To use design elements that echo the surrounding buildings and the pitched roofs accomplish that quite well.

Committee Member Zabala: I concur with Committee Members Semple and Zuckerman on their comments.

I do appreciate the sincerity of the neighbors and the neighborhood for what they have. I do think that there are still plenty of opportunities there for people interested in the existing type of housing in that area. As time goes on and families change and dying move out there will others that come in to take the opportunity to rehab and refinish that existing stock of homes there.

I also do appreciate the effort that the applicant has gone through in listening to the neighbors. As we looked at the progression of the design to what it is now today, they have done a pretty admirable job.

The for-sale units will be approximately 2,600 square feet each with three-bedrooms and the necessary baths and areas so these will not be inexpensive units to purchase at that point and time. They are going to be invested in that property initially and going down the road.
They’ve done a good job and I think the remaining items as far as the window trim, working through the landscape with the screening issues that will continue to be reviewed by staff will fine tune the project to where, as was indicated over time, it will be an asset to the neighborhood that initially will just take some getting used to.

Chairman Marsh: It looks like there is a good consensus for support of this. We can certainly entertain a motion on it. A question for Committee Member Zabala, is there any concern or need to adjust the requirements on the window trim or do you support it as is in the project report?

COMMITTEE MEMBER ZABALA MOVED TO APPROVE DRH20-00051 AS RECOMMENDED IN THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND CONDITIONS OF APPROVAL AS NOTED IN THE PROJECT REPORT WITH THE ADDITION OF ONE SENTENCE TO ITEM 1.E., IN THE SITE SPECIFIC CONDITIONS THAT INDICATES, “THE APPLICANT SHALL REVIEW POSSIBLE SOLUTIONS TO THE WINDOW TRIM WITH STAFF FOR APPROPRIATE APPROVAL PRIOR TO THE SUBMITTAL FOR BUILDING PERMITS”.

COMMITTEE MEMBER ZUCKERMAN SECONDED THE MOTION.

Committee Member Semple: Just one added thing, and I don’t think it needs to be a condition of approval because I think the conditions cover it pretty well, but I would encourage the applicant to work real closely, especially with the neighbor to the west adjacent or the two neighbors to the west that were concerned about privacy, to maybe look at the plant selections that they’ve used along that western property line for the buffer and maybe incorporate some other taller columnar evergreens specifically back towards the rear where that roof top deck is to provide some screening, but I think that’s one thing that could go a long way.

In looking through the comments from the neighbor adjacent to the west they had some concern about a couple trees that are in their yard. So, just to work closely with them or at least consult with them about where some of those plants are going to go so it doesn’t create an issue in the future with the growth of those plants and hopefully not impacting as well as being able to provide that screening that they are looking for.
Chairman Marsh: Good points Committee Member Semple. Any other comments or discussion on the motion? None.

RESULT: APPROVED [UNANIMOUS]
MOVER: Thomas Zabala, Committee Member
SECONDER: Dana Zuckerman, Committee Member
AYES: Marsh, Aguilar, Zabala, Talboy, Semple, Zuckerman
ABSENT: David Rudeen

2. DRH20-00105 / Jeff Likes, ALC Architecture
Location: 11449 W. Ustick Road
Construct a 15-unit, three-story multi-family residential building with associated site improvements in a R-2D (Medium Density Residential with Design Review) zone.

Josh Wilson: Presented project report with recommendation to approve.

Committee Member Zuckerman: Indicated she is not clear on the slatted rooflines and how they and the modern semi-contemporary design echoes anything about the original Ustick site.

Josh Wilson: Stated the applicant tried to pull elements from the single-story white brick buildings that front onto Ustick to pay homage adding if the Ustick Townsite buildings were truly mimicked this would be a white brick box.

Applicant Testimony

Jeff Likes (ALC Architecture): In agreement with the project report. They had meetings with neighborhood to go over design elements. Understands they have concerns. One being the railings. Noted railings will be black aluminum with an opaque or frost glass panel which will not allow people to see onto the patios.

Added another point of discussion were the colors. They agree to work with staff on modifying the colors prior to building permits noting they have worked with neighbors on a few color options.

Addressed Committee Member Zuckerman question on paying homage to the townsite stating they tried to bring in elements from the single-story parapet type, all white brick painted buildings. Noted they are also dealing a Planned Unit Development which was approved, but with a 35-foot max height they are limited so the low slope roofs help that work. Tried to bring in generic forms with
masonry across bottom with typical stucco and corbels across the top to help mimic some of the general forms of the Ustick area.

**Committee Member Zabala:** Asked applicant how they envision the mechanical units on site and around building.

**Jeff Likes:** Stated they have mechanical room that runs the three stories. Will also have mechanical wells on top of some of the taller units. Added there are some storage rooms, a fire riser room and a com room that will run the full three stories so they can use those to put the mechanical units in noting most will be up a well behind low sloped roofs and it is a mini split system for the units.

**Committee Member Zuckerman:** Asked if these is a reason the center of building is shorter than the rest of the building and the other two massings adding, to her, it looks a bit messing especially if they’re trying to pay homage to the white brick box.

**Jeff Likes:** Stated they looked at multiple elevation types and styles. With creating one plane across there it became large and not in the residential style and too big for the neighborhood and neighbors, so they opted to lower the one to help bring it down to pedestrian level.

**Neighborhood Association Testimony**

**Judy Herman (West Valley Neighborhood Association Representative):** Appealed Planning & Zoning’s decision to Council and surprised this is allowed to move forward.

Shared concerns with transportation issues in the area that they feel will arise from this. Added Shamrock is not a thorough street and that it is a City designated bicycle path and a pedestrian walking path to Redwood Park.

Not opposed to development on this lot, but feel they need to look at appropriate development with main concerns being the size of the lot and the huge project being incompatible with the neighborhood. Stated Council Member Clegg allowed them some input into the design noting this is not the original design, so it is an improvement. Asked for gabled roofs, but due to height requirements those were not allowed.

Not appropriate for a historical area stating they have a beautification project for Ustick which was incorporated as a town in 1907 with the Interurban Trolley running down Ustick Road.
Shared the City has invested $170,000 in neighborhood reinvestment grants in the last five years for landscaping on Ustick Road. Currently in Phase II of project and working with Arts and History for historical sculptures, artwork and signage adding the City has put up $60,000 for the historical interpretive display of the Ustick Townsite. Stated she and several of her neighbors have spent 1,000 hours of volunteer time on the project.

Had hoped not to have an apartment complex noting these are rentals and not for purchase adding the neighborhood opposes this project, but are trying to work with the City and the architect to get something that fits into the neighborhood that doesn’t compromise the work they have done to restore the historical integrity of the Ustick Townsite.

**Committee Member Zuckerman:** Stated she wanted to be clear what the Committee’s purview is adding they are listening to the transportation and zoning issues, but noted they are outside of the Committee’s jurisdiction.

**Judy Herman:** Understands and appreciates this. Stated they had worked with Jeff and he has been cooperative with the neighborhood.

Asked Josh to share the drawing of patios on the apartment complex up the street that show what type of items are being placed on patios. Concerned this will happen here.

Landscaping on Ustick was installed by Ustick Beautification project noting there are no trees on the south side. Requested that the applicants put some trees in their landscape barrier on the north side of Ustick that would match their existing landscaping and offer more of a barrier for neighbors.

**No Public Testimony**

**Applicant Rebuttal**

**Jeff Likes:** Addressed some of Judy Herman’s questions stating they tried to do gable roofs but were restricted.

Added their landscape plan is to have about six or seven trees along Ustick but has questions as to where on Ustick Judy suggests they put the trees as he is not entirely sure. Asked for clarification. Noted they are heavily landscaped with quite a few trees at the corner and three along Shamrock.
Propose opaque panels to address concerns with what tenants would put on porches.

Public Portion Closed

Committee Member Semple: Feels the applicant has done a great job working with neighborhood adding the general vicinity has an existing apartment and this palate matches that well. Adding those have gabled roofs but also have taller towers on the corners of the entry.

Based on his experience with landscaping he believes what the neighborhood association representative meant were trees in the planter strip between the sidewalk and road as it appears to be what has happened in terms of treatment on the north side of Ustick. Noted there is a major Idaho Power transmission line that runs on the south side of Ustick which appears to prohibit street trees within Idaho Power’s specific setback from the power line. Feels the applicant is addressing tree locations within the site due to this restriction.

Added in general the project is attractive, provides housing opportunities, uses in the area, and will hopefully get people here that will be part of this community again. Feels growing communities with a variety of different uses, building and appearances is good and likes the project.

Chairman Marsh: Asked if the Committee had concerns with semi-opaque versus fully opaque panels. Stated there are other projects that have these same panels and if items are pressed on the back side of them you can still see through the panels to a certain degree. Only concern with going to a fully opaque panel would be that it contributes to the mass of the building. Feels semi-opaque material is a better solution and makes the building a bit more shallow.

COMMITTEE MEMBER ZABALA MOVED TO APPROVE DRH20-00105 AS RECOMMENDED IN THE FINDING OF FACTS, CONDITIONS OF LAW AND RECOMMENDED CONDITIONS OF APPROVAL AS NOTED IN THE PROJECT REPORT WITH THE MODIFICATION OF CONDITION 1.h. IN THE SITE SPECIFIC CONDITIONS, “THE APPLICANT SHALL SUBMIT DETAILS THAT DEMONSTRATE THE LOCATIONS AND ADEQUATE SCREENING OF ALL MECHANICAL UNITS AND ELECTRICAL GAS METERS FOR STAFF APPROVAL.”
RESULT: APPROVED [4 TO 1]
MOVER: Thomas Zabala, Committee Member
SECONDER: Ben Semple, Committee Member
AYES: James Marsh, Thomas Zabala, Robert W. Talboy, Ben Semple
NAYS: Jessica Aguilar
ABSTAIN: Dana Zuckerman
ABSENT: David Rudeen

V. ADJOURNMENT
TO: Mayor and Council
FROM: Amy Snyder, Department of Aviation
NUMBER: RES-341-20
DATE: August 18, 2020
SUBJECT: Operating Agreement - Raiser dba Uber

BACKGROUND:
The attached operating agreement with Raiser, LLC dba Uber sets forth the requirements to operate a Transportation Network Company (TNC) service at the Boise Airport. As part of this agreement, the Airport will install directional signage in the terminal and curbside, provide a staging/waiting lot in a nearby location, and provide specific curb frontage with shelters on the upper level of the terminal roadway. Having this agreement will also help alleviate some of the curbside and cell phone lane congestion.

FINANCIAL IMPACT:
Revenue-Trip Fee in the amount of $1.50 per arrival and $1.50 per departure

ATTACHMENTS:
- BOI Raiser 2020 - 2023 Operating Agreement - Final Executed Document (PDF)
A RESOLUTION APPROVING AN OPERATING AGREEMENT BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF AVIATION) AND RAISER, LLC DBA UBER FOR THE OPERATION OF A TRANSPORTATION NETWORK COMPANY AT THE BOISE AIRPORT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID OPERATING AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Raiser, LLC dba Uber wishes to operate a Transportation Network Company (TNC) at the Boise Airport; and

WHEREAS, the Airport Director recommends approval of the Operating Agreement as it is in the best interests of the City to enter into said Operating Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Operating Agreement for the operation of a Transportation Network Company at the Boise Airport, a copy of which is attached hereto marked Exhibit “A” and made a part hereof by attachment be, and the same hereby is, approved both as to form and content.

Section 2. That the Mayor and City Clerk be, and they hereby are, authorized to respectively execute and attest said Operating Agreement for and on behalf of the city of Boise City.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.
CITY OF BOISE


APPROVED:  

Lauren McLean, Mayor

ATTEST:  

Lynda Lowry, Ex-Officio City Clerk
THIS OPERATING AGREEMENT (the “Agreement”) is hereby made and entered into on September 1, 2020 by and between Raiser, LLC, a corporation limited liability company (“TNC”), and the City of Boise, a municipal corporation (“Airport”), through its Department of Aviation. TNC and Airport are sometimes hereinafter referred to individual as a “Party” or collectively as the “Parties”.

WHEREAS, the City of Boise is the owner and operator of the Boise Airport (the “Airport”) located in Boise, Idaho;

WHEREAS, TNC desires to operate a transportation network business at the Airport wherein the network provided by TNC will be used by independent contractor drivers to connect passengers with pre-arranged transportation services offered by Drivers (hereinafter defined);

WHEREAS, Airport has agreed to allow TNC to conduct its business at the Airport, subject, however, to the terms and conditions of this Agreement; and

WHEREAS, the following definitions shall apply to this Agreement at all times:

(a) “App” shall mean the mobile smartphone application or platform developed by TNC that connects passengers with Drivers/Vehicles, as reviewed and approved by Airport.

(b) “Designated Areas” shall mean the loading and unloading zones which are shown on Exhibit A and made a part hereof.

(c) “Driver” means any individual who has been approved by TNC to use a privately-owned vehicle to transport passengers whose rides are arranged through the TNC’s online-enabled application. For purposes of this Agreement, the term “Driver” applies at all times that Driver is on Airport property by reason of the driver’s relationship with the TNC, regardless of whether the Vehicle is carrying a passenger.

(d) “Vehicle” shall mean the personal, privately-owned vehicle used by a Driver.

NOW, THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:
1. OPERATIONS

1.1. Designated Areas. Airport grants to TNC the right to allow Drivers affiliated with TNC to use, in common with others so authorized, the Designated Areas to provide the Permitted Use (hereinafter defined), subject to the terms and conditions hereinafter set forth. TNC shall also inform Drivers of the terms of this Agreement. Upon request, Drivers shall allow Airport personnel access to electronic waybill information (described in Section 3.4). TNC shall perform, or have a third party perform, criminal background checks on each Driver before said Driver begins offering services at the Airport. Nothing in this Agreement shall be construed as granting or creating any license or franchise rights pursuant to any federal, state or local laws, rules or regulations. TNC’s rights to use the Designated Areas shall be on a non-exclusive basis at all times. All Drivers shall maintain personal insurance for their Vehicles at all times at or in excess of those amounts set by Idaho law.

1.2. Rights of Ingress and Egress. Drivers affiliated with TNC shall have the non-exclusive rights of ingress and egress across Airport property to conduct their permitted operations hereunder, provided that such ingress and egress activity: (a) shall not impede or interfere, in any way, with the operation of the Airport by Airport or the use of the Airport by its tenants, passengers or employees; (b) shall be subject, at all times, to the Airport’s Rules and Regulations (“Airport Rules”); (c) shall be on roadways, and other areas designated by Airport from time to time; and (d) may be temporarily suspended by Airport in the event of an emergency or a threat to the Airport during the time period of such emergency or threat.

1.3. Changes to Airport. TNC acknowledges and agrees that: (a) Airport shall have the right, at all times, to change, alter and expand the Airport, including the terminals, roadways and designated pick-up, drop-off and staging areas; and (b) Airport has made no representations, warranties and/or covenants to TNC regarding the design, construction, passenger or automobile traffic, or views of the Airport. Without limiting the generality of the foregoing, TNC acknowledges and agrees that: (y) the Airport may from time to time undergo renovation, construction and other Airport modifications; and (z) the Airport may from time to time adopt rules and regulations relating to security or other operational matters that may affect TNC’s business. Airport agrees to provide reasonable advance notice to TNC of any such modifications that may affect TNC’s business or Drivers’ ingress and egress across Airport property as practicable so as to ensure smooth operations.

1.4. “As-Is” Condition. TNC accepts the Designated Areas and the Airport in their present condition and “as-is”, without representation or warranty of any kind, and subject to all applicable laws, ordinances, rules and regulations.

1.5. Waiting Area. Any and all Drivers waiting for passengers shall not loiter in the Designated Areas, but instead shall wait in the approved staging area known as shown on Exhibit B.

1.6. Requirements. During the term of this Agreement, TNC shall have a non-exclusive, revocable license solely to: (a) operate a transportation network business (subject to this
Agreement and all applicable laws, rules, ordinances and regulations) at the Airport utilizing smart phone mobile application technology to connect passengers with pre-arranged transportation services for hire; (b) permit Drivers to access the TNC’s App in order to transport such passengers and their personal baggage to and/or from the Airport in Vehicles inspected and approved by TNC or a certified mechanic; and (c) permit Drivers in providing rides matched through the TNC’s App to use common-use Airport roadways for ingress and egress to and from the Airport’s passenger terminal. Nothing herein shall be deemed to grant TNC any exclusive right or privilege.

1.7. **Geo-Fence.** TNC shall demonstrate to Airport that TNC has established a Geo-Fence to manage its airport business and shall notify affiliated drivers about the geo-fence, as depicted on Exhibit C attached and incorporated.

1.8 **Signage/Wayfinding.** Airport shall erect and maintain, at its sole expense, signage at or near the staging area shown on Exhibit B which shows Drivers where such staging area is located. The signage shall, at a minimum, display the following language: “Ride Share Staging Area.” Additionally, Airport shall maintain, at its sole expense, appropriate wayfinding signage within the Airport terminals for the benefit of its passengers, indicating where the TNC pick-up area(s) is/are located, as well as signage at the TNC pick-up area(s). The signage shall, at a minimum, display the following language: “Ride Share Pick-up Area.” Airport shall complete all signage no later than six (6) months after the effective date of this Agreement.

1.9 **Future Innovations.** Operator may, from time to time, propose to the Airport the testing or experimentation of specific new products or features designed to enhance Operator’s operations at the Airport. Upon the Airport’s express approval, such testing or experimentation may commence without requiring further modification to the underlying Agreement.

### 2. TERM; COMMENCEMENT DATE; TERMINATION

2.1. **Term.** This Agreement shall be effective on the Commencement Date and shall be in effect for a period of three (3) years thereafter. The term shall automatically renew for additional terms of one (1) year each, unless a Party sends a written notice of termination to the other Party at least thirty (30) days prior to the end of the then current term.

2.2. **Commencement Date.** This Agreement shall hereafter be effective, and the “Commencement Date” shall be deemed to occur, on the date on which all of the following conditions precedent are satisfied, in Airport’s sole judgment:

(a) Airport shall have received certificates evidencing that TNC has obtained all insurance required by this Agreement;

(b) TNC shall implement the virtual perimeter(s) that encompasses the real-world geographic area(s) comprised by the Airport (“Geo-Fence”) as agreed upon by the
Parties and depicted on Exhibit C attached and incorporated. TNC will use the Geo-fence and other tools, as appropriate, to manage its airport business and comply with the terms of this Agreement. TNC will not materially change or alter the Geo-Fence unless mutually agreed upon by the Parties.

(c) Each Driver will maintain information on his or her smartphone while using the App that will be used in lieu of a tangible Airport decal or transponder. This information will allow the Airport to confirm the following information for any Driver or Vehicle using the App while on Airport grounds:
  i. Driver identity and color photo;
  ii. Vehicle make, model;
  iii. License plate number;
  iv. Certificates of insurance;
  v. The electronic equivalent of a waybill that meets the criteria set forth in Section 3.4.

2.3. Termination. This Agreement will continue in force until terminated as hereinafter provided:

(a) Airport shall have the right to terminate this Agreement upon the occurrence of an Event of Default (hereinafter defined) if TNC has not cured such Event of Default within thirty (30) days’ after written notice thereof from Airport; or

(b) Either Party may terminate this Agreement, at any time, for any reason, by giving not less than thirty (30) days’ prior written notice thereof to the other Party.

3. USE

3.1. Permitted Use. TNC and Drivers may use the Designated Areas only for the uses specified in this Agreement (collectively, “Permitted Use”) and for no other purpose and shall not conduct any activity or operations at the Airport not expressly authorized by this Agreement.

3.2. No Exclusivity. TNC acknowledges and agrees that it has no exclusive rights to conduct the business described herein, and that Airport has the right, at all times, to arrange with others for similar activities at the Airport.

3.3. Transportation Requirements. In conducting its operations consisting solely of the Permitted Use, without limiting the generality of other provisions of this Agreement, TNC shall inform Drivers of the terms of this Agreement and the following transportation requirements, as amended from time to time by Airport:

(a) Each Driver shall maintain personal insurance for their vehicles at all times at or in excess of those amounts required by Idaho law and shall keep proof of such insurance within such driver’s vehicle at all times while upon Airport grounds;
(b) Each Driver shall be allowed to pick-up passengers at the Airport at the Designated Area, and will be allowed to drop-off passengers at the Designated Area;

(c) Each Driver must be able to produce, upon the request of any police officer or other Airport representative, the electronic equivalent of a waybill meeting the requirements of Section 3.4;

(d) Once a Driver has made contact with the passenger(s) with whom such driver was matched, the Driver shall promptly load such passenger(s); and

(e) Each Driver shall limit such driver’s curbside time to the time required for the prompt loading and unloading of passengers, and after loading all passengers, such Driver shall thereafter immediately accept another pickup request or promptly depart from the Airport.

3.4. **Waybills.** In lieu of a physical waybill and as an explicit requirement of Airport under this Agreement, every passenger pick-up shall be documented electronically immediately after the completion of the ride to which it relates. Drivers shall, upon request, present the electronic equivalent of a requested waybill to any Airport official for inspection.

3.5. **No Advertising or Promotions.** No Vehicle shall post or display, on the exterior thereof, any signage or other displays except for TNC’s name and/or logo without the express written approval of the Airport.

3.6. **General Prohibited Activities.** Without limiting any other provision herein, TNC shall not, without the Airport’s prior written consent:

   (a) cause or permit anything to be done, in or about the Designated Areas or the Airport, or bring or keep anything thereon, which would be reasonably likely to (i) increase, in any way, the rate of fire insurance on the Airport, (ii) create a nuisance, or (iii) obstruct or interfere with the rights of others on the Airport or injure or annoy them;

   (b) commit, or suffer to be committed, any waste upon the Designated Areas or the Airport;

   (c) use, or allow the Designated Areas to be used, for any improper, immoral, unlawful or reasonably objectionable purpose;

   (d) place any loads upon the floor, walls or ceiling which endanger the structure or obstruct the sidewalk, passageways, stairways or escalators, in front of, within or adjacent to the Designated Areas or the roadways; or

   (e) do, or permit to be done, anything, in any way, which would be reasonably likely to materially injure the reputation or image of the Airport or appearance of the Airport or violate the Airport Rules.
3.7. **Other Prohibited Activities**. Without limiting the generality of other provisions of this Agreement, the following activities are prohibited by Drivers:

(a) Turning off or disabling the App when a Vehicle is on Airport property, unless the Driver is departing the airport after a drop-off;

(b) Allowing operation of a Vehicle on Airport roadways by an unauthorized driver;

(c) Transporting a passenger in an unauthorized vehicle;

(d) Picking-up or discharging passengers, or their baggage, at any location other than the Designated Areas;

(e) Failing to provide information, or providing false information, to police officers or Airport personnel;

(f) Displaying, to an Airport official, a waybill in an altered or fictitious form;

(g) Soliciting passengers not through the online application on Airport property;

(h) Using or possessing any alcoholic beverage while on duty;

(i) Failing to operate a vehicle in a safe manner;

(j) Failing to comply with posted speed limits and traffic control signs;

(k) Using profane or vulgar language;

(l) Attempting to solicit payment in excess of that authorized by law;

(m) Orally soliciting for or on behalf of any hotel, club, nightclub, or other business;

(n) Soliciting of any activity prohibited by the applicable laws, rules or regulations;

(o) Operating a vehicle which is not in a safe mechanical condition or which lacks mandatory safety equipment;

(p) Disconnecting any pollution control equipment;

(q) Using or possessing any illegal drug or narcotic while on airport property;

(r) Operating a vehicle without proper certification or at any time during which TNC’s authority is suspended or revoked; and

(s) Engaging in any criminal activity.

3.8. **Representative of TNC**. TNC shall provide the Airport with name, address, telephone and email address for at least one qualified representative authorized to represent and act for TNC in matters pertaining to its operation, and shall keep Airport informed, in writing, of the identity of each such person.

4. **FEES; REPORTING; AND RECORDKEEPING**

4.1. **Defined Terms**. As used in this Agreement, the following capitalized terms shall have the following meanings:
(a) “Trip” means each event in which a Driver affiliated with an TNC drops off passengers on Airport property or completes the pick-up of passengers on Airport property and then departs Airport property. A trip that occurs wholly within the Airport’s Geofence (i.e., a pickup and drop-off of the same passenger[s]) shall be considered one trip and only one fee will be remitted to the Airport.

(b) “Per Trip Fee” means a fee of $1.50 for each pick-up and $1.50 for each drop-off.

(c) “Monthly Fee” means the product of the following: (i) the number of Trips conducted by the TNC’s Vehicles in one calendar month, and (ii) the Per Trip Fee then in effect.

4.2. Payment Requirements and Reports.

(a) Within fifteen (15) days after the close of any calendar month, TNC shall submit its operations report to Airport for the previous calendar month (the “Monthly Report”). The Monthly Report shall be in an agreed-upon electronic or paper format (as specified by Airport) and shall contain the total number of Trips for the reporting period. All such information shall be accurate at all times. The report shall be submitted electronically to BOI-accounting@cityofboise.org or mailed to Boise Airport, Attn: Accounting, 3201 Airport Way Suite 1000, Boise, ID 83705.

(b) TNC agrees to pay a Monthly Fee to the Airport, which shall constitute a total of the Per Trip Fees assessed for each pick-up and for each drop off in the relevant month. The Monthly Fee is due, in full, and received by the Airport, within thirty (30) days after the close of any calendar month. All payments hereunder, including Monthly Fees, shall be paid at the office of the Airport, or at such other place or manner as Airport may designate in writing.

(c) For purposes of this Agreement, a “month” will be considered to begin on the first (1st) day of each calendar month and will conclude on the final day of that calendar month. If the Agreement is executed and operation begins on some day other than the first day of a calendar month, the first payment of the Per Trip Fee only shall be prorated from the start date of operations under this Agreement through the final day of that calendar month.

(d) All payments hereunder, including Monthly Fees, shall be paid in lawful money of the United States of America, free from all claims, demands, setoffs, or counterclaims of any kind. Any payments hereunder, including Monthly Fees, not paid when due shall be subject to a service charge of one and one-half percent (1.5%) per month, or if lower, the maximum amount allowed by law.


(a) TNC agrees to maintain and make available to Airport accurate and detailed books and records reflecting its performance of its obligations under Sections 4.1–4.2 of this Agreement. Upon Airport’s reasonable prior written request, which shall not occur more than once per
calendar year, TNC shall permit the Airport to audit and examine such books and records relating to its performance of its obligations under Sections 4.1–4.2 of this Agreement. TNC shall maintain such data and records for a period of not less than five (5) years from the expiration of this Agreement or the last date of operations at the Airport, whichever is later; but in no event shall Operator be required to maintain such data and records for a period in excess of seven (7) years.

(b) Should any examination, inspection and audit of TNC’s books and records by the Airport disclose an underpayment by TNC of the consideration due, TNC shall promptly pay Airport the amount of such underpayment. If said underpayment exceeds five percent (5%) of the consideration due, TNC shall reimburse the Airport for all reasonable costs incurred in the conduct of such examination, inspection and audit.

4.4 TNC Tracking System.

The Airport may, in the future, at their sole discretion implement a TNC Tracking System to be provided by a mutually agreed upon third party provider. To the extent applicable, Licensee and the Airport may enter into a Data Interface Agreement setting forth the specific data points to be provided by Licensee in order to enable such TNC Tracking System. Notwithstanding the future implementation of the TNC Tracking System, Licensee shall continue to submit monthly reports and payments pursuant to Section 4.2 based on the Airport Geo-Fence Area.

5. ASSIGNMENT

5.1. **No Assignment.** TNC shall not assign, encumber or otherwise transfer, whether voluntarily or involuntarily or by operation of law, this Agreement, or any right hereunder, without Airport’s prior written consent, which consent may be granted or denied in Airport’s sole and absolute discretion (the term “Transfer” shall mean any such assignment, encumbrance, or transfer). Airport’s consent to one Transfer shall not be deemed a consent to any subsequent Transfers. Any Transfer made without Airport’s consent shall constitute a default hereunder and shall be voidable at Airport’s election. Notwithstanding the above, TNC shall retain the right to transfer this Agreement, or any right hereunder, to an affiliate of TNC.

5.2. **Change of Control.** The sale or other transfer of a controlling percentage of the capital stock or membership interests of TNC, whether by merger, stock sale or otherwise, or the sale or transfer of more than fifty percent (50%) of the value of the assets of TNC related to the operations hereunder, shall be deemed a Change of Control, not a Transfer, and shall not be subject to the restrictions in Section 5.1. The phrase “controlling percentage” means the ownership of, and the right to vote, stock or interests possessing more than fifty percent (50%) of the total combined voting power of all classes of TNC’s capital stock or interests issued, outstanding and entitled to vote for the election of directors.
6. COMPLIANCE WITH LAWS

At all times, TNC shall comply and shall inform its affiliated Drivers of their obligation to comply with all applicable laws, ordinances, orders, directives, rules, codes, regulations and decrees of federal, state and local governmental entities and agencies, and their respective departments, agencies, authorities and boards (individually, a “Governmental Entity”, or collectively, “Governmental Entities”), and all grant assurances provided by Airport to any federal or state Governmental Entity in connection with the Airport’s ownership or operation of the Airport, and all other applicable rules, regulations, policies, and procedures of Airport (including Airport Rules), as the same may be amended, modified or updated from time to time, including, but not limited to, those relating to health and safety, especially those pertaining to public safety such as safe driving practices, seat belts, and child seats/restraints in order to operate at the Airport. For purposes of this Agreement, the term “Governmental Entity” shall also mean and include, without limitation, Airport, the City of Boise, the State of Idaho, U.S. Department of Transportation, Federal Aviation Administration, and Transportation Security Administration.

7. WAIVER; INSURANCE; INDEMNIFICATION

7.1. Waiver. TNC covenants and agrees that Airport shall not, at any time or to any extent whatsoever, be liable, responsible, or in any way accountable for any losses, liabilities, judgments, suits, claims, damages, costs and expenses, of any kind or nature (collectively, “Losses”), which (a) at any time after the effective date of this Agreement may be suffered or sustained by TNC or any Driver arising out of TNC’s operations, or (b) are caused, in whole or in part, by any act or omission (whether negligent, non-negligent or otherwise) of TNC or any Driver. This waiver shall not extend to such Losses caused in whole or in part by any act, omission or negligence of Airport, including Losses caused by the sole gross negligence or willful misconduct of Airport.

7.2. Insurance. TNC shall procure and maintain, at its sole cost and expense and at all times during the term of this Agreement, insurance of the kind and in the amount hereinafter provided, by financially responsible and qualified companies authorized to do business in the State of Idaho, or Idaho Department of Insurance approved eligible surplus lines insurer, covering all operations under this Agreement (including those of Drivers). Prior to the Commencement Date, TNC shall provide a certificate of insurance to Airport, in a form acceptable to Airport, showing that TNC has complied with the obligations of this Section 7. No policy shall be materially changed or terminated until at least thirty (30) days prior written notice thereof has been given to Airport. The following insurance coverages are required to be provided by TNC under this Agreement:

(a) Commercial Automobile Liability Insurance with limits of not less than One Million Dollars ($1,000,000) for each accident for third party bodily injury and property damage. This coverage applies to Vehicles operated by Drivers while:

   i. The Driver is located on the airport premises during the course of providing
an accepted trip including the picking-up and dropping-off of passenger(s);

ii. The Driver is located on the airport premises immediately following the conclusion of a requested trip and while in the course of exiting the airport premises;

iii. The Driver has logged into the App controlled by the TNC and is “available to receive requests” for transportation services from passengers using the App and the Driver is located on the airport premises.

“Available to receive requests” means the App is in a state such that an applicable request would be transmitted to the Driver’s smartphone for acceptance by the Driver.

(b) Commercial General Liability Insurance of not less than One Million Dollars ($1,000,000) per occurrence, insuring the TNC from liability from bodily injury (including wrongful death), personal injury, and damage to property resulting from the performance of this Agreement by TNC.

All Vehicles operated on the TNC’s app must be included under TNC’s Commercial Automobile Liability Policy or covered by a blanket coverage endorsement; and all employees of TNC must be covered under TNC’s General Liability policy. The limits of the foregoing insurance shall not, in any way, limit the liability of TNC under the terms of this Agreement. In addition, the foregoing insurance policies are primary insurance to any other insurance held by Airport with respect to any covered claims arising out of this Agreement.

7.3. **Indemnification.** TNC agrees to indemnify, defend and hold harmless Airport, its officers, directors, agents and employees, from and against any and all claims, actions, damages, liabilities, and judgments, and losses, costs, fines, penalties, and expenses paid or payable to a third party (including, but not limited to, reasonable attorney’s fees, court costs and litigation expenses), with respect to any third party claim arising out of or related to: (a) TNC’s performance or exercise of this Agreement and rights granted under this Agreement; (b) an intentional act or a negligent act or omission of any of TNC’s officers and employees or Drivers when they are both (i) utilizing the Operator’s platform, and (ii) on Airport property for purposes related to this Agreement; (c) the failure of TNC to comply with any applicable laws, ordinances, rules or regulations related to this Agreement; or (d) any breach or default by TNC of any of its obligations under this Agreement. Notwithstanding the foregoing, TNC shall have no obligation under this Section for claims arising out of or related to (x) any negligent act or omission of Airport or its officers, directors, agents, and employees, or (y) any allegation related to the Airport’s authority to enter this Agreement or Airport’s enforcement of this Agreement. Any indemnification and hold harmless obligations of TNC under this Agreement shall survive any expiration or termination of this Agreement. The foregoing indemnification obligation is contingent upon Airport providing TNC with (i) prompt written notice of any potential claim subject to indemnification hereunder, (ii) sole control over the defense and settlement of each such claim (provided that TNC will not settle or compromise any claim without written consent of Airport, which consent shall not be unreasonably withheld,
conditioned or delayed), and (iii) reasonable cooperation, at TNC’s expense, in the defense and settlement of a claim.

7.4 Confidentiality of Records. Any information that TNC makes available to Airport pursuant to this Agreement is deemed to be confidential and proprietary information (“TNC’s confidential information”), regardless of whether the records are marked as such, and shall not be disclosed to anyone without TNC’s express written permission unless required to be disclosed by applicable law or a court order; including without limitation the public records laws, provided that Airport: makes diligent efforts to limit disclosure pursuant to any available bases set forth in the Idaho Public Records Law or other applicable law, notifies TNC of such requirement at least five (5) days prior to disclosure, and allows TNC reasonable opportunity to object to production. If Airport is required to release TNC’s confidential information, it nevertheless shall use any available authorities to redact personal or business confidential information from such records to the extent consistent with applicable law and the final judgment.

8. DEFAULT; REMEDIES

8.1. Event of Default. The occurrence of any one or more of the following events shall constitute a breach of this Agreement and an “Event of Default”:

(a) TNC shall fail, duly and punctually, to pay Monthly Fees (or to submit any Monthly Report), or to make any other payment required hereunder, when due to Airport, and such failure shall continue beyond the date specified in a written notice of such breach or default from Airport, which date shall be no earlier than the tenth (10th) business day after the effective date of such notice;

(b) A Transfer occurs without the prior approval of the Airport as set forth in section 5.2;

(c) TNC fails to obtain and maintain the insurance required hereunder, or to provide copies of the insurance certificates to the Airport as required herein; or

(d) TNC fails to keep, perform and observe each and every other promise, covenant and agreement set forth in this Agreement, and such failure continues for a period of more than thirty (30) days after delivery by Airport of a written notice thereof.

8.2. Remedies. Upon the occurrence and during the continuance of an Event of Default, Airport shall have the following rights and remedies in addition to any and all other rights and remedies available to the Airport under this Agreement, at law, or in equity: (a) Airport may elect to terminate this Agreement; and (b) nothing herein shall be deemed to limit Airport’s right to terminate this Agreement as provided in Section 2.
8.3. **Cumulative Rights.** The exercise by Airport of any remedy provided in this Agreement shall be cumulative and shall in no way affect any other remedy available to Airport under law or in equity.

8.4. **Fines/Penalties.** By operating on the Airport, TNC and Drivers affiliated with TNC shall be subject to Airport Rules and any other applicable laws, ordinances, rules and regulations including any fines or penalties in connection therewith. Airport shall have no obligation to TNC to impose fines on, or otherwise take action against, any other person or entity at the Airport.

9. **GOVERNMENTAL PROVISIONS**

9.1. **No Representations.** TNC acknowledges and agrees that neither Airport, nor any person on behalf of Airport, has made, and Airport hereby disclaims, any representations or warranties, express or implied, regarding the business venture proposed by TNC at the Airport, including any statements relating to the potential success or profitability of such venture. TNC represents and warrants that it has made an independent investigation of all aspects of the business venture contemplated by this Agreement.

9.2. **Limitation on Damages.** Notwithstanding anything in this Agreement to the contrary, in no event will either party be liable to the other party for any consequential, incidental or special damages, or lost revenues or lost profits.

9.3. **Federal Nondiscrimination.** TNC understands and acknowledges that Airport has given to the United States of America, acting by and through the Federal Aviation Administration, certain assurances with respect to nondiscrimination, which have been required by Title VI of the Civil Rights Act of 1964, as effectuated by Title 49 of the Code of Federal Regulations, Subtitle A - Office of the Secretary of Transportation, Part 21, as amended, as a condition precedent to the government making grants in aid to Airport for certain Airport programs and activities, and that Airport is required under said Regulations to include in every agreement or concession pursuant to which any person or persons other than Airport, operates or has the right to operate any facility on the Airport providing services to the public, the following covenant, to which TNC agrees, as follows: “TNC, in its operation at and use of Boise Airport, covenants that (1) no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) that the grantee, licensee, permittee, etc., shall comply with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Subtitle A, Office of the Secretary of Transportation, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation Effectuations of Title VI of the Civil Rights Act of 1964, and as said regulations may be amended.”
9.4. **Subordination.** This Agreement is subject and subordinate to the provisions of any agreement heretofore or hereafter made between Airport and any Governmental Entity relative to the operation or maintenance of the Airport, the execution of which has been required as a condition precedent to the transfer of federal rights or property to Airport for Airport purposes, or the expenditure of federal funds for the improvement or development of the Airport, including the expenditure of federal funds for the development of the Airport in accordance with the provisions of the Federal Aviation Act.

### 10. GENERAL PROVISIONS

10.1. **Notices.** Except as otherwise specifically provided in this Agreement, any notice, demand or other correspondence given under this Agreement shall be in writing and given by prepaid certified mail (return receipt requested), or reputable overnight courier (such as Federal Express), to: (a) TNC at its Notice Address; or (b) Airport at its Notice Address; or (c) such other address as either TNC or Airport may designate as its new address for such purpose by notice given to the other in accordance with this Section 11. Any notice hereunder shall be deemed to have been given and received, and effective, two (2) days after the date when it is mailed. For convenience of the Parties, copies of notices may also be given by facsimile or electronic mail; however, neither Party may give official or binding notice by facsimile or electronic mail.

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Raiser, LLC                   Boise Airport
Db a Uber                    Attn: Property & Contracts Manager
1455 Market Street          3201 Airport Way, Suite 1000
San Francisco, CA 94103     Boise, ID 83705
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10.2. **Waiver of Performance.** The waiver by either Party of performance of any provisions of this Agreement shall not constitute a future waiver of performance of such provisions.

10.3. **Entire Agreement.** The Parties intend that this Agreement shall be the final expression of their agreement with respect to the subject matter hereof and may not be contradicted by evidence of any prior or contemporaneous written or oral agreements or understandings. The Parties further intend that this Agreement shall constitute the complete and exclusive statement of its terms and that no extrinsic evidence whatsoever (including prior drafts hereof and changes therefrom) may be introduced in any judicial, administrative or other legal proceeding involving this Agreement.

10.4. **Amendments.** Except as specifically provided herein, amendments to this Agreement require written agreement of the Parties. Notwithstanding the foregoing, if a Governmental Entity requires modifications or changes to this Agreement as a condition precedent to the granting of funds for the improvement of the Airport, TNC shall agree to make such amendments, modifications, revisions, supplements or deletions of any of the terms, conditions or requirements of this Agreement as may be reasonably required.
10.5. **Interpretation.** The headings and captions of this Agreement have been inserted for convenience of reference only, and such captions or headings shall in no way define or limit the scope or intent of any provision of this Agreement. This Agreement has been negotiated at arm’s length and between persons sophisticated and knowledgeable in the matters dealt with herein, and shall be interpreted to achieve the intents and purposes of the Parties, without any presumption against the Party responsible for drafting any part of this Agreement.

10.6. **Successors and Assigns.** Subject to the provisions of Section 5, the terms and conditions contained in this Agreement shall bind and inure to the benefit of TNC and Airport, and, except as otherwise provided herein, to their personal representatives and successors and assigns.

10.7. **Severability.** If any provision of this Agreement or the application thereof to any person, entity or circumstance, shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each other provision of this Agreement shall be valid and be enforceable to the full extent permitted by law.

10.8. **Governing Law.** This Agreement shall be construed and enforced in accordance with, and governed by, the laws of the State of Idaho. Any dispute arising out of this Agreement, including, but not limited to, any issues relating to the existence, validity, formation, interpretation or breach of this Agreement, shall be brought and litigated exclusively in a state or federal court located in Boise, Idaho; and the Parties consent to the exclusive jurisdiction thereof.

10.9. **Authority.** TNC represents and warrants that TNC is a duly authorized and existing entity, that TNC has and is duly qualified to do business in Idaho, that TNC has full right and authority to enter into this Agreement, and that each and all of the persons signing on behalf of TNC are authorized to do so. Upon Airport’s request, TNC shall provide Airport with evidence reasonably satisfactory to Airport confirming the foregoing representations and warranties.

10.10. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

**FAA Required Contract Provisions.** FAA required contract provisions are attached hereto as Exhibit D and are herein incorporated by references. For purposes of Exhibit D, TNC shall be referred to as “contractor” or “licensee.”

**IN WITNESS WHEREOF,** the Parties have caused their respective duly authorized representatives to execute this Agreement on __________________, 2020.

[SIGNATURES TO FOLLOW]
AIRPORT:

BOISE CITY,
a municipal corporation formed and existing pursuant
to Title 50, Idaho Code

By: Lauren McLean
   MAYOR

ATTEST: Lynda Lowry
   EX-OFFICIO CITY CLERK

TNC:
Raiser, LLC

By Niraj Patel
   08/18/2020

Printed Name: Niraj Patel
Title: Director - Central Operations
EXHIBIT A
Designated Areas
Loading and Unloading
Exhibit B
Waiting (Staging) Area
Page 1 of 2
Exhibit B
Waiting (Staging) Area
Page 2 of 2
Exhibit C
Geo-Fences
GENERAL CIVIL RIGHTS PROVISIONS
The licensee agrees to comply with pertinent statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance.

This provision binds the licensee and sub licensees from the bid solicitation period through the completion of the contract. This provision is in addition to that required of Title VI of the Civil Rights Act of 1964.

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The licensee for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the licensee will use the Premise in compliance with all other requirements imposed by or pursuant to the List of discrimination Acts And Authorities.

TITLE VI LIST OF PERTINENT NONDISCRIMINATION ACTS AND AUTHORITIES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination In Federally-Assisted Programs of The Department of Transportation—Effectuation of Title VI of The Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
Exhibit D

FAA Required Contract Provisions
Page 2 of 2

- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).
TO: Mayor and Council  
FROM: Jason Blais, Planning and Development Services  
NUMBER: RES-342-20  
DATE: August 18, 2020  
SUBJECT: MOA with NACFR  

BACKGROUND:  
This MOA replaces the previous that has been in place since 2014 for providing fire code plan review and inspection in the North Ada County Fire and Rescue District. The reason for updating this agreement is primarily due to our new Permitting and Licensing system going live this week. This agreement outlines the new process that applicants will be using to apply for permits and inspections in the NACFR jurisdiction. It also revises how the fees will be collected by the City of Boise under our new Accella Software.  

FINANCIAL IMPACT:  
None. NACFR will reimburse the City for any services provided.  

ATTACHMENTS:  
- 2020 Fire Plan Review NACFR - Final Executed Document (PDF)
CITY OF BOISE

Resolution NO. RES-342-20

BY THE COUNCIL BAGEANT, CLEGG, HALLYBURTON, SANCHEZ, THOMSON AND WOODINGS

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY AND THE NORTH ADA COUNTY FIRE AND RESCUE DISTRICT, FOR THE PROVISION OF FIRE PLAN REVIEW AND ASSOCIATED INSPECTION SERVICES BY THE CITY OF BOISE TO THE NORTH ADA COUNTY FIRE AND RESCUE DISTRICT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Boise through a prior joint powers agreement, by and through the Boise Fire Department, already provides the North Ada County Fire and Rescue District with Fire Marshal services; and

WHEREAS, the North Ada County Fire and Rescue District has agreed to compensate the City of Boise for the provision of such services as set forth in the Memorandum of Agreement, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Memorandum of Agreement by and between the city of Boise City and the North Ada County Fire and Rescue District, a copy of said Agreement being attached hereto and incorporated herein by reference, be, and the same is hereby, approved as to both form and content.

Section 2. That the Mayor and City Clerk be, and they hereby are, authorized to respectively execute and attest said Memorandum of Agreement for and on behalf of the city of Boise City.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.
CITY OF BOISE


APPROVED:           ATTEST:

Lauren McLean, Mayor

Lynda Lowry, Ex-Officio City Clerk
MEMORANDUM OF AGREEMENT PROVIDING FIRE CODE PLAN REVIEW AND INSPECTION SERVICES BY AND BETWEEN THE CITY OF BOISE AND THE NORTH ADA COUNTY FIRE & RESCUE DISTRICT

This Agreement is made and entered into this 25th day of August, 2020 by and between the city of Boise City, a municipal corporation, organized and existing under the laws of the State of Idaho, hereinafter referred to as ("City") and North Ada County Fire & Rescue District, a duly and regularly organized fire district pursuant to Idaho law ("NACFR"). This Agreement does not create any separate legal or administrative entity.

SECTION 1: RECITALS

A. The City is a municipal corporation organized under the laws of the State of Idaho.
B. NACFR is a fire protection district duly and regularly organized pursuant to the provisions of Idaho Code, Title 31, Chapter 14, for the purposes of providing comprehensive fire and emergency medical services, and other services related to public safety within the boundaries of NACFR.
C. The Parties to this Agreement have the authority to enter into agreements pursuant to Idaho Code Sections 31-1430, 50-301, 50-302, 67-2326, 67-2327, 67-2328, 67-2332, and 67-2333, the Parties are authorized to enter into agreements for the joint exercise of their respective powers.
D. Idaho Code Section 50-204 provides for the appointment of officials by cities as deemed necessary for the efficient operation of cities.
E. Fire plan reviewers and inspectors and the application of fire codes is a highly professional and regulated field requiring the employment of persons who are highly trained, qualified, and capable of providing such services and require the administration by fire code plan review staff which NACFR does not have the present demand to fund, staff, and/or maintain on its own.
F. It is the desire of NACFR to contract with the City for certain fire code plan review and inspection services to enforce a portion of NACFR's ordinances providing standards, regulating, and controlling buildings and structures within the boundaries of NACFR.
G. The City has personnel qualified and capable to provide fire code plan review and inspection services for projects and structures within the boundaries of NACFR and is agreeable to render specified provide fire code plan review and inspection services on the terms and conditions set forth in this Agreement.
H. Compensation under this Agreement shall be in accordance with Exhibit B.
I. This Agreement shall not relieve the Parties hereto of any obligation or responsibility imposed by law except to the extent that performance under this Agreement provides for actual and timely compliance of such legal obligations or responsibilities.
J. The Parties believe the performance of respective obligations under this Agreement to provide combined fire code plan review and inspection services to the residents of NACFR and the City eliminates duplication of some services and resources, improves or maintains the quality of services within the respective service areas of the Parties, and stabilizes the cost for providing these services in NACFR and the City.
K. The Parties to this Agreement understand and acknowledge that prior to this Agreement,
NACFR and the City have entered into a separate Joint Powers Agreement for Fire Protection and Emergency Services, (the "Fire Protection JPA") which was and is intended, among other things, to provide combined fire department services to the residents of NACFR District, and to eliminate duplication of some services and resources, whereby the City (Boise City Fire Department) assumed primary responsibility for providing comprehensive fire protection and related services to the persons and property within the NACFR District, including certain fire code inspections, plan reviews, and enforcement of the fire code adopted by the authorities which have jurisdiction, and which are not otherwise provided by the City Planning and Development Services Department, Fire Section, (PDS) pursuant to this Agreement.

Nothing in this Agreement is intended to supersede, restrict, or eliminate the rights and obligations of the Parties as set forth in the Fire Protection JPA, and any reference in this Agreement to NACFR District retaining certain fire code official, fire inspector and/or staff duties, and functions, or employing and being solely responsible for persons performing fire code plan reviews and inspection services not within the scope of this Agreement or included in Exhibit "A" to this Agreement, or any language similar thereto, shall be subject to the terms of the Fire Protection JPA between the City and NACFR District.

NOW, THEREFORE, in consideration of the foregoing recitals, considerations, and purposes, the parties covenant and agree as follows:

SECTION 2: DURATION

A. Introductory Term: The introductory term of this Agreement shall be for a period of six (6) months. On or before the date of the expiration of the introductory term, the Parties shall review the services provided and compensation paid under this Agreement and determine whether the remuneration provided for under Section 7 should be adjusted and an addendum to this Agreement executed to effect any adjustment the parties mutually deem necessary and appropriate or whether the Agreement should be terminated.

B. Term: Upon the expiration of Introductory Term and if there is an execution of any addendum in accordance with Section 2(A), this Agreement shall be in effect for a period of twelve (12) months.

C. Automatic Renewal: This Agreement shall not terminate through inaction of either Party. If this Agreement is not renegotiated or modified at the end of its terms defined in Sections 2(A) and 2(B), it shall automatically renew for an additional twelve (12) month period unless notice to terminate is otherwise given pursuant to subsections 2(D) or 2(E) of this Agreement.

D. Notice of Intent to Renegotiate: In the event either Party seeks to renegotiate the terms of this Agreement, it shall give the other Party notice thereof on or before the first day of August of the calendar year in which this Agreement is in effect. In said notice, the sections and/or paragraphs or fee increase to be renegotiated shall be designated. The Parties shall renegotiate and amend the Agreement as hereinafter provided or shall give notice of non-renewal. Notices of non-renewal must also be given on or before the first day of October of the calendar year in which this Agreement is in effect. Additional fees may also be negotiated/adjusted by written agreement of the Parties, but NACFR reserves the right to terminate the contract in accordance with Section 2(E).

É. Notice of Intent to Terminate: During the effective period, this Agreement may be terminated at any time by either Party, with or without cause, with sixty (60) days written notice served upon the other Party.
SECTION 3: PURPOSES

The purpose of this Agreement is to:

A. Provide certain fire code plan review and inspection services for NACFR by the City; to effectuate the standards and regulation of the design, construction, alteration, moving, quality of materials, use and occupancy, locations and maintenance of all buildings and structures within the boundaries of NACFR as specified in Exhibit "A" attached hereto and by this reference incorporated herein.

B. Provide for payment of reasonable compensation to the City by NACFR for providing such services.

SECTION 4: SERVICES

The City agrees, through PDS, to provide fire code regulation services for structures within the boundaries of NACFR in the manner set forth in this Agreement. Except as otherwise specifically set forth in this Agreement, such fire code regulation services shall only encompass duties and functions of the type coming within the jurisdiction of and customarily rendered by a fire code plan review and inspection division of a city or fire department and a fire inspector and staff of a fire protection district duly and regularly organized pursuant to the provisions of Idaho Code, Title 31, Chapter 14.

The fire code plan review and inspection services to be rendered by the City are identified in Exhibit "A" and are services of an independent contractor with NACFR and the standards of performance, control of personnel rendering such services and other matters incident to the performance of such services shall be the responsibility of the City of Boise Fire Section of the Planning and Development Services Department.

NACFR is retaining certain fire code official, fire inspector, and staff duties and functions, not included in Exhibit "A", which shall be performed by, and remain the primary responsibility of NACFR and shall not be the responsibility of the City.

SECTION 5: ENFORCEMENT RESPONSIBILITIES AND SERVICES OF CITY

Such fire code plan review and inspection services shall include the enforcement of certain applicable Fire Codes adopted by the State of Idaho, NACFR, and Garden City. NACFR shall furnish to the City all NACFR rules or ordinances which will be the subject of the rendering of fire code regulation services pursuant to this Agreement and Exhibit A.

SECTION 6: REPORTING

The City shall provide to the NACFR Commissioners a monthly report of the activities generated under this Agreement. The report shall include such items as number and types of fire permit applications, number and types of permits issued and/or denied, response time for permits applications, and other general information about fire code regulation as may be deemed beneficial to both the City and NACFR in evaluating fire code regulation effectiveness and needs.

SECTION 7: COMPENSATION

The City shall be compensated for fire code plan review and inspection services by the collection of user fees from applicants according to the fee schedule found in Exhibit "B".
SECTION 8: FACILITIES and EQUIPMENT

A. To facilitate performance under this Agreement, the City shall furnish and supply all necessary labor, supervision, equipment, communication facilities, and supplies necessary to maintain the level of service guaranteed by the Fire Protection JPA between the City and NACFR to be rendered hereunder. In all instances where special supplies, stationery, notices, forms, and the like must be issued in the name of NACFR, the same shall be supplied by NACFR at its expense.

B. Unless otherwise agreed by separate written agreement of the parties, facilities, equipment and property utilized by the City and NACFR in the performance of this Agreement shall remain the separate property of the Party owning said facilities, equipment, and property.

SECTION 9: PERSONNEL

A. All persons employed in the performance of the fire code plan review and inspection services and functions pursuant to this Agreement for NACFR shall be City employees and no NACFR employee shall perform services for the City hereunder. Further, no person employed hereunder shall have any NACFR retirement benefits, civil service benefits, or any right and/or status as a NACFR employee.

B. NACFR shall employ and be solely responsible for persons performing fire code plan review and inspection services and functions that are not within the scope of this Agreement or included in Exhibit A.

C. For the purpose of performing fire code plan review and inspection services and functions pursuant to this Agreement, and for the purpose only of giving official status to the performance thereof, every City official or employee engaged in performing any such service and function shall be considered an agent of NACFR, through a delegation of powers made pursuant to Idaho Code Section 31-1417(6) while performing fire code plan review and inspection services for NACFR when such service is within the scope of this Agreement and is a NACFR function.

D. NACFR shall not be liable for the payment of any salaries, wages, withholding, or deductions from wages and or retirement benefits, insurance, worker's compensation, unemployment, or other compensation to any City personnel performing services pursuant to this Agreement.

SECTION 10: LIABILITY

A. The City shall be responsible for all damages to persons or property that occur as a result of intentional and/or negligent acts of the City and/or its employees in connection with the performance of this Agreement, and to the extent allowed by the Idaho Constitution and the Idaho Tort Claims Act, and without waiving any defense or exemption afforded it, the City shall indemnify and save NACFR harmless from any such claims.

B. NACFR shall be responsible for all damages to persons or property that occur as a result of intentional and/or negligent acts of NACFR and its employees in connection with the performance of this Agreement, and to the extent allowed by the Idaho Constitution and the Idaho Tort Claims Act, and without waiving any defense or exemption afforded it, NACFR shall indemnify and save the City harmless from any such claims.
SECTION 11: ADMINISTRATION

This Agreement shall be administered by the Mayor of the City of Boise and the PDS Director and the NACFR Board of Commissioners.

SECTION 12: NOTICE

Any notice to be given pursuant to the terms of this Agreement shall be sufficiently served or given for all purposes if delivered personally or if sent by United States certified mail, return receipt requested, addressed to the party in question at the address as set forth herein:

Chair, Board of Commissioners
North Ada County Fire & Rescue
5800 N. Glenwood Street
Garden City, ID 83714

Building Official
Planning & Development Services
City of Boise City
PO Box 500
Boise, ID 83701

For purposes of this Agreement, a notice served by mail shall be deemed to have been delivered three (3) days after the date mailed as indicated by the postmark of the mail receipt or on the envelope containing the notice. Either Party shall be entitled to change the address for service of notice by notifying the other party in writing of the new address.

SECTION 13: ADDITIONAL FIRE CODE REGULATION SERVICES; PAYMENT THEREOF

The NACFR Board of Commissioners along with the Mayor and the PDS Director for the City may agree upon the rendering of additional fire code plan review and inspection services in order to meet an emergency or additional need. Any fire code regulation services rendered pursuant to this provision shall be separately billed by the City and payable by NACFR in the manner and within the timeframe as set forth in Section 7(A) above.

SECTION 14: AMENDMENTS

This Agreement may not be amended, modified, or changed in any way except by a mutual written agreement signed by all of the Parties hereto.

SECTION 15: SEVERABILITY

Any provision of this Agreement which shall be determined by a court to be invalid, void or illegal shall in no way affect, impair, or invalidate any other provision hereof and the remaining provisions of this Agreement shall remain in full force and effect.

SECTION 16: BINDING EFFECT

This Agreement shall be binding on and shall inure to the benefit of all Parties hereto and to their respective successors, assigns, and legal representatives.

IN WITNESS WHEREOF, the parties subscribe their names on the day and year noted.
City of Boise:

APPROVED BY:  

Lauren McLean, Mayor  

8/25/20  

ATTEST:  

Lynda Lowry  

8/25/20  

North Ada County Fire Rescue District:

APPROVED BY:  

Jeff Ramey, Commissioner  

8-10-20  

Jeff Souza, Commissioner  

8-10-20  

Todd Bunderson, Commissioner  

8-10-20  

ATTEST:  

NACFR District Secretary  

8-10-20  

STATE OF IDAHO  

)  

S.S.  

County of Ada  

)  

On this 10th day of August, in the year 2020, before me Shelley Young, a Notary Public, personally appeared Todd Bunderson and Jeffrey Ramey known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Shelley Young  

NOTARY PUBLIC FOR IDAHO  

Residing at: Ada County  

My commission expires 11/01/23
Exhibit “A” City of Boise--North Ada County Fire (NACFR) District Fire Inspection and Review Services

Scope: The primary responsibility of Boise City Planning and Development Services (PDS) and Fire Departments under this agreement will be to provide the fire code, suppression, alarm and other fire plan reviews in conjunction with inspections for projects submitted to Boise City for NACFR locations in unincorporated Ada County and Garden City. Boise City will review and inspect work being performed to construct, improve, modify, alter or repair new and existing buildings, mobile homes and manufactured homes.

I. Application Process

Boise City will process all applications, inspection requests and collect all fees due from permit applicants. Boise City will issue permits for all fire suppression systems, fire alarms and cooking hood suppression systems within the NACFR district. Boise City will be responsible for responding to code related questions forwarded by NACFR and participation by the Fire Plan Review Manager or designee for three hours per week per week at early assistance meetings. The fees for attendance of the Fire Marshal or his designee is at meetings involving NACFR is covered by the existing Joint Powers Agreements between Boise City Fire-NACFR.

II. Plan Review—General Provisions

Fire plan review will be performed by a certified Boise City fire plans examiner. All plan sets must be stamped by the appropriate design professional per NACFR requirements.

A. Boise City will access plans through its own electronic plan review software for projects in unincorporated Ada County within NACFR’s boundary.

B. Boise City will access plans through the Idaho Division of Building Safety’s electronic plan review software for projects located in Garden City.

C. Boise City will maintain one copy of the approved drawings/documents at Boise City Hall throughout the duration of the project for projects located in unincorporated Ada County.

D. PDS shall create a case to track permits undergoing Boise City review.

III. Fire-Life Safety Plan Review Process

Garden City. Boise City shall provide fire-life safety plan review services for projects located in Garden City on behalf of NACFR. Permit applicants will apply directly to Boise City through their online permit application process for fire code plan review. Building permit plan sets that are submitted to Garden City but reviewed by Boise City for building code compliance shall be routed to PDS fire review for a fire-life safety review as part of the building permit process. The reviewer will place the applicable comments, activities and reports in the Garden City Building (GCB) case and to the electronic plan set. Garden City will receive the completed building plan review and approved plan sets from Boise City through the Idaho DBS electronic plan review software. GCB permits that require a fire-life safety review shall not be issued until approved by Boise City on behalf of NACFR.
Ada County. Boise City will perform fire-life safety plan review services for that portion of unincorporated Ada County within NACFR's designated boundary on behalf of NACFR. The review will include checking the plans for adherence to the Fire Code as adopted by the State of Idaho and any local rules and amendments specific to Ada County and NACFR. Permit applicants will apply directly to Boise City through their electronic plan review software. Boise City will create a fire code plan review report summarizing the fire code review and transmit electronically to Ada County. PDS shall retain one building plan set for its records throughout the duration of the project.

A. Plan Review Timeframes. The Boise City Fire Plan Review Section will complete fire-life safety reviews within the following timeframes:
   a. New Commercial/New Multi-Family – 30 working days or less, resubmittals in 10 working days or less
   b. Major Commercial Tenant Improvements – 20 working days or less, resubmittals in 5 working days or less
   c. Minor Commercial Tenant Improvements – 10 working days or less, resubmittals in 5 working days or less
   d. Occupancy Application - 5 working days or less, resubmittals in 3 working days or less

B. Plans that are modified after the permit is issued will be subject to an additional charge to reimburse Boise City for the additional review time.

IV. Fire Suppression, Alarm, and Cooking Hood Permit Plan Review Process

Boise City shall provide fire suppression, fire alarm, and cooking hood plan review services for those portions of unincorporated Ada County within NACFR's boundary and Garden City on behalf of NACFR. Permit applicants will apply directly to Boise City through their electronic plan review software. Boise City will create a permit case for internal tracking purposes and will review the plans for adherence to the Fire Code as adopted by the State of Idaho and any local rules specific to Ada County, Garden City or NACFR. Boise City will redline and create a report summarizing the review. Boise City will collect fees and issue permits directly to applicants.

A. Plan Review Timeframes. The Boise City Fire Plan Review Section will complete fire suppression, alarm, and cooking hood permit plan reviews within the following timeframes:
   a. Fire Sprinklers/Fire Alarm Reviews – 10 working days or less, resubmittals in 5 working days or less
   b. Commercial Cooking Hood Reviews – 5 working days or less, resubmittals in 3 working days or less

B. Plans that are modified after the permit is issued will be subject to an additional charge to reimburse Boise City for the additional review time.

V. Plan Check responsibilities of the Boise City Permit Technician

A. Boise City will develop a checklist for application packets and drawings to verify that specified items needed by Boise City PDS for their plan review process are submitted by applicants in the NACFR District.
B. Boise City will verify completeness of plans, applications and accompanying documents by utilizing the application submittal checklist.

C. Work performed under the work order shall be documented with comments, updates, and status reports provided to NACFR on a monthly report.

D. Boise City will collect fees for work performed according to the fee schedule found in exhibit “B” prior to the permit being issued.

E. Boise City will issue permits for all fire-life safety, fire suppression, fire alarm, and cooking hood permits.

F. Boise City will schedule inspections for all permitted work issued within NACFR’s boundary and Garden City.

VI. Inspections

A. Inspection Requests. All inspection requests shall be made through Boise City’s website or by contacting a Boise City permit technician. All inspection requests must be received by Boise prior to 4:00 pm Monday through Friday for inspections that are needed the next day. All inspections will be performed within 24 hours upon receipt of inspection request by the City of Boise. Boise City will keep an inspection history on all permits reviewed and inspected within the NACFR district that are performed by Boise City Fire Inspectors.

B. Inspection and plan review hours are between 8:00 am to 5:00 pm. Boise City does not provide evening or weekend service unless special permission is granted by the Building Official, Sr. Manager and time and half is charged to the permit applicants to compensate the City of Boise for the time used by PDS employees to perform after-hours inspection or plan review services. No weekend or after-hours services shall be provided to an applicant without first obtaining authorization from the Boise Building Official, Sr. Manager. Boise City PDS will collect fees in the amount shown on the fee schedule (Exhibit “B”) prior to performing after hours services. Boise City will not perform inspections on Boise paid holidays. Holiday inspections will be deferred to the next working day.

C. Boise City will not perform inspections to establish business use verification for Garden City or those portions of unincorporated Ada County within NACFR’s boundary when no work is being performed, approve occupancies or uses with a duration of less than 180 days or provide inspection services related to fire code operational permits.

VII. Reimbursement for Services

A. Collection of fees. Boise City Planning and Development services will collect fees for plan review and inspection as outlined per the attached fee schedule attached in Exhibit “B”. Fees will be collected prior to the permit being issued.

B. Payment to Boise City. All fees for additional services provided will be paid to Boise City no later than 60 days of the performance of the plan review service. If third party engineering review is required as part of the review, Boise City shall first notify NACFR and provide an estimate of the cost of such service and obtain authorization from NACFR before such
review is obtained. If NACFR authorizes such third-party engineering review, Boise City shall submit a bill to NACFR for the reimbursement of third-party engineering review services. Fees for these services shall be paid in full by NACFR and paid to Boise City no later than 60 days of the receipt of the services.

C. Other Expenses. Subject to the limitations set forth herein regarding advance notice to and approval of NACFR for other or additional expenses, all other expenses incurred on NACFR’s behalf by Boise City, with NACFR’s approval, shall be reimbursed to Boise City. An invoice shall be presented to NACFR by Boise City documenting the expense and the City shall be reimbursed for these fees within 60 days of the date the services were performed.

D. Boise City PDS will maintain timekeeping records of the time spent by its personnel reviewing plans and performing inspections for the first six months of the Memorandum of Understanding between Boise City and NACFR. A six-month review of the data will be performed by PDS to verify that the Department is recouping the costs of its review and inspection program for NACFR. If it is found that Boise City is not recouping the costs of its program, then a new fee schedule may be negotiated, or at NACFR’s option, this agreement may be terminated. In the event of termination, Boise City shall return to NACFR all files and plans relating to all projects within NACFR’s boundaries that have been reviewed by Boise City pursuant to this agreement within 30 days of termination.

VIII. Ordinance Differences and Variations

Boise plans examiners, inspectors and other employees will apply NACFR ordinance provisions where appropriate when reviewing and inspecting projects in the NACFR district. Any interpretation issues shall be resolved by inspectors and reviewers and elevated through supervisors as necessary to the Boise City Fire Marshal. The payment for all Boise City Fire Marshal services are covered by the existing Joint Power Agreement between Boise City Fire and NACFR.

IX. Conflict Resolution

A. Permits issued within NACFR boundaries. Any issues with NACFR permit applicants or permit holders will be resolved at the inspector/plan reviewer level if possible. Any appeals of the decision of the inspector/plan reviewer are to be made to the inspector/plan reviewer’s direct supervisor. If this does not result in resolution, the Boise City Fire Marshal and the supervisor of the trade in question will brief NACFR management on the issue. The NACFR Commission will then assume the responsibility for arbitrating the appeal and reaching a final determination on the issue presented.

B. Permits issued within Garden City. Any issues with NACFR permit applicants or permit holders will be resolved at the inspector/plan reviewer level if possible. Any appeals of the decision of the inspector/plan reviewer are to be made to the inspector/plan reviewer’s direct supervisor. If this does not result in resolution, the Boise City Fire Marshal and the inspector/plan reviewer’s direct supervisor will brief Garden City and NACFR management on the issue. If the matter is appealed beyond Garden City management, the Garden City Planning and Zoning Commission or NACFR will hear the appeal and reach a final determination on the issue presented.
### Exhibit “B”

**Charges for Fire Code Plan Review and Inspection Services**

<table>
<thead>
<tr>
<th>Service</th>
<th>Total Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building plan fire code review and inspections</td>
<td>25% of fee based on Boise City Table 1-A</td>
</tr>
<tr>
<td>Fire system plan review and inspections:</td>
<td></td>
</tr>
<tr>
<td>Fire Sprinkler &amp; Alternative Extinguishing Syst.</td>
<td>$175.00 base fee plus $4.85 per head or nozzle.</td>
</tr>
<tr>
<td>Fire Alarm Systems</td>
<td>$175.00 base fee plus $4.60 per alarm initiating device.</td>
</tr>
<tr>
<td>After hour inspections</td>
<td>$83 per hour (minimum of 2 hours)</td>
</tr>
<tr>
<td>Reinspections after the 2nd reinspection</td>
<td>$55 per hour</td>
</tr>
<tr>
<td>Plan review resubmittals after the 2nd resubmittal</td>
<td>$65 per hour</td>
</tr>
<tr>
<td>Plan review for modifications after permit has been issued</td>
<td>$65 per hour</td>
</tr>
<tr>
<td>Permit and Inspection for Occupancy Only</td>
<td>$175.00</td>
</tr>
<tr>
<td>Technical assistance per IFC 104.7.2</td>
<td>Cost plus 5%</td>
</tr>
<tr>
<td>Additional staffing of early assistance meetings by City of Boise staff beyond one per week</td>
<td>$65 per hour</td>
</tr>
<tr>
<td>Any work required by NACFR not specifically covered in the agreement</td>
<td>$65 per hour</td>
</tr>
</tbody>
</table>

### Boise City Table 1-A

<table>
<thead>
<tr>
<th>TOTAL VALUATION</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.00 to $2,000.00</td>
<td>$26.37 for the first $500.00 plus $2.95 for each additional $100.00 or fraction thereof, to and including $2,000.00,</td>
</tr>
<tr>
<td>$2,001.00 to $25,000.00</td>
<td>$70.76 for the first $2,000.00 plus $12.71 for each additional $1,000.00 or fraction thereof, to and including $25,000.00,</td>
</tr>
<tr>
<td>$25,001.00 to $50,000.00</td>
<td>$362.80 for the first $25,000.00 plus $9.30 for each additional $1,000.00 or fraction thereof, to and including $50,000.00,</td>
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<tr>
<td>$50,001.00 to $100,000.00</td>
<td>$595.30 for the first $50,000.00 plus $6.35 for each additional $1,000.00 or fraction thereof, to and including $100,000.00,</td>
</tr>
<tr>
<td>$100,001.00 and up</td>
<td>$913.09 for the first $100,000.00 plus $5.17 for each additional $1,000.00 or fraction thereof.</td>
</tr>
</tbody>
</table>
TO: Mayor and Council

FROM: Elizabeth Koeckeritz, Legal

NUMBER: RES-343-20

DATE: August 19, 2020

SUBJECT: Real Property Purchase and Sale Agreement - 3912 West State Street

BACKGROUND:

Consistent with a previously signed Letter of Intent, City staff has negotiated this Purchase and Sale Agreement (the “Agreement”) to acquire property at the northeast corner of West State Street and Arthur St in Boise. The site is comprised of one undeveloped parcel commonly referred to as 3912 West State Street. The City will have 90 days to evaluate all aspects of the property, with a projected closing date in late November. This acquisition represents the potential third purchase for a future mixed-income, mixed-use development under the Grow Our Housing Land Trust model. The site will increase housing affordability opportunities while optimizing transit-oriented development (TOD) through a Request for Proposal process. Surrounded by existing single-family and multi-family residential, as well as several neighborhood-serving commercial uses, the property is located near the Primary TOD Station at Collister Drive and the Library at Collister! If acquired, the Housing and Community Development Division’s Energize Our Neighborhoods team is anticipated to initiate a comprehensive internal and external engagement process to inform design and identify other assets that can be leveraged.

RECOMMENDATION:

Staff recommends approval authorizing the City to enter into a Purchase and Sale Agreement with the intent to expand housing opportunities.

FINANCIAL IMPACT:

Purchase price for the parcel is $765,000.00. Budget authority was formerly approved by Mayor and Council for Grow Our Housing and is managed by the Housing and Community
CITY OF BOISE

Development Division of the Planning and Development Services Department. No additional funds are required at this time.

ATTACHMENTS:

- PSA 3912 State Street (Executable) (PDF)
BY THE COUNCIL

BAGEANT, CLEGG, HALLYBURTON, SANCHEZ, THOMSON AND WOODINGS

A RESOLUTION APPROVING A REAL PROPERTY PURCHASE AND SALE AGREEMENT BY AND BETWEEN GARY L DAVIS, AS TO AN UNDIVIDED 50% INTEREST AND GARY L DAVIS AND DEE S DAVIS, HUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST, AS SELLER, AND THE CITY OF BOISE CITY, AS BUYER, FOR ONE PARCEL TOTALING APPROXIMATELY 0.94 ACRES OF REAL PROPERTY LOCATED ON THE NORTHEAST CORNER OF STATE STREET AND ARTHUR STREET IN BOISE CITY, ADA COUNTY, IDAHO; AUTHORIZING THE MAYOR AND CITY CLERK, RESPECTIVELY, TO EXECUTE AND ATTEST THE PURCHASE AND SALE AGREEMENT; AUTHORIZING CITY STAFF TO DO ALL THINGS NECESSARY TO CONDUCT DUE DILIGENCE AND CLOSE ON THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Gary L Davis, as to an undivided 50% interest and Gary L Davis and Dee S Davis, husband and wife, as to an undivided 50% interest (“Seller”) owns one parcel of real property located in Boise City (“City”), Ada County, state of Idaho, known by the Ada County Assessor as Parcel Number R2125000161, which is commonly referred to as 3912 West State Street, Idaho, consisting of approximately 0.94 acres of real property in total (“Property”), as more particularly described in Exhibit A to the Purchase and Sale Agreement (the “Agreement”); and

WHEREAS, the City has identified that the Property is ideally situated for mixed-income, mixed-use housing development and other public purposes; and

WHEREAS, it is in the best interest of the City and the public for the City to approve the Agreement and purchase or otherwise acquire the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Agreement, a copy of which is attached hereto and incorporated herein by reference, hereby is approved as to form and content.

Section 2. That the Mayor and City Clerk, respectively, hereby are authorized to execute and attest the Agreement for and on behalf of the city of Boise City.

Section 3. That City staff hereby are authorized to carry out any necessary measures
to complete due diligence, determine whether the property is acceptable, and close on the transaction.

**Section 4.** That this resolution shall be in full force and effect immediately upon its adoption and approval.


APPROVED: 

![Signature]

Lauren McLean, Mayor

ATTEST: 

![Signature]

Lynda Lowry, Ex-Officio City Clerk
REAL ESTATE
PURCHASE AND SALE
AGREEMENT

THIS REAL ESTATE PURCHASE AND SALE AGREEMENT ("Agreement") is made and entered into by and between Gary L Davis, as to an undivided 50% interest and Gary L Davis and Dee S Davis, husband and wife, as to an undivided 50% interest ("Seller"), and the city of Boise City, Division of Housing and Community Development ("Buyer"). Buyer and Seller may be individually referred to as a "Party" or collectively as the "Parties," as may be appropriate under the circumstances.

RECITALS

A. Seller owns 0.94 acre of real property, located in Ada County, Idaho, designated by the Ada County Assessor as Parcel Number R2125000161, which is commonly referred to as 3912 W. State Street, Idaho 83702, and as more specifically described in EXHIBIT A and generally depicted in EXHIBIT B, which are attached and incorporated by reference ("Property").

B. Buyer desires to purchase the Property, and Seller desires to sell the Property, according to the terms and conditions contained in this Agreement for a public purpose.

C. Buyer is a political subdivision of the State of Idaho and is included in the list of organizations described in Section 170(c)(1) of the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder ("Code").

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, which are incorporated herein by this reference, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. AGREEMENT OF SALE AND PURCHASE. Seller agrees to sell, transfer, and convey, and Buyer agrees to purchase and accept title to, the Property, together with all appurtenances thereunto and all improvements thereon. Except for those retained by or granted to Seller as set forth herein, this purchase and sale shall include all appurtenances to the Property, including all easement rights, mineral rights, water, and water rights appurtenant to, or used on, the Property including (but not limited to) any right Seller may have to receive natural flow and/or stored water delivered through any spring, ditch, canal, drain, or facilities, or under entitlements held by a third party for use on the Property. All shares, certificates, and other documents evidencing such water rights are included in this sale and purchase to the extent they are appurtenant to the Property and not retained by Seller.
2. **PURCHASE PRICE.** The purchase price for the Property ("Purchase Price"), including all existing improvements upon and appurtenances thereto, shall be SEVEN HUNDRED SIXTY FIVE THOUSAND DOLLARS ($765,000.00) in immediately available funds payable in cash at Closing.

2.1 **Earnest Money Deposit.** Within ten (10) business days after the Effective Date, Buyer shall deposit with Title Company (defined below) the amount of TEN THOUSAND DOLLARS ($10,000.00) ("Earnest Money Deposit"). The Earnest Money Deposit shall be refundable to Buyer until the expiration of the Due Diligence Period as described below. If this transaction closes, the Earnest Money Deposit shall be applied toward the Purchase Price.

3. **EXCLUSIVITY.**

3.1 Seller shall, and shall cause its representatives, agents, members, financial advisors, attorneys and any other person or entity acting by, through, or on behalf of Seller to immediately cease and terminate any existing solicitation, initiation, encouragement, or negotiation with any other persons or entities with respect to any proposed, potential, or contemplated sale of the Property beginning on the Effective Date and continuing for ninety (90) days.

4. **DUE DILIGENCE PERIOD.**

4.1 Beginning on the Effective Date, defined below, and continuing for ninety (90) days thereafter ("Due Diligence Period"), Seller grants a license to Buyer and Buyer’s agents to enter on to the property for all purposes reasonably related to making a full and adequate determination of the suitability of the Property for Buyer’s intended use, and Buyer and Buyer’s agents shall have the right during reasonable hours, to inspect the Property, and to undertake, at Buyer’s sole cost and expense, such examinations, studies, surveys, inspections, and investigations of the Property as Buyer, in its sole discretion, deems advisable.

4.2 Within five (5) business days of the Effective Date, Seller will deliver to Buyer the following due diligence materials to which it is a party: a copy of any lease, title report, any survey materials associated with the lot line adjustments, any maintenance or upkeep agreements, any shared parking agreements, access agreement, Phase 1 or 2 Environmental Studies, soil studies, ALTA surveys, and any other documentation relative to ownership and operations in Seller’s possession related to the Property whether or not specifically requested by Buyer ("Seller’s Materials") (Seller’s Materials shall not be deemed to include Seller’s documents that are broader than just the Property, but shall include any agreements that apply to the Property after Closing). Delivery of Seller’s Materials may include physical delivery,
electronic delivery (including via file sharing services such as Dropbox.com or similar), or a combination thereof.

4.4 Except as may be provided in the Idaho Public Records Act, Idaho Code Title 74, Chapter 1, Buyer represents and warrants that Buyer shall keep all such documents confidential except for contacts with professionals such as lawyers, lenders, engineers, or accountants who are assisting Buyer with this transaction. Buyer’s representations and warranties contained in this Agreement shall survive the termination of this Agreement or the closing of the transaction contemplated hereby. If this Agreement terminates for any reason, Buyer shall destroy or return all documents to Seller, provided that Buyer may retain a copy of documents as required by applicable law or Buyer’s record retention policies. Buyer shall keep any such retained information confidential, except as required by law.

4.5 If, at any time prior to expiration of the Due Diligence Period or any extension thereof, Buyer notifies Seller that Buyer’s examinations, studies, surveys, and investigations of the Property indicate that the condition of the Property is acceptable to Buyer, the Parties shall proceed to Closing, as set forth herein. If, however, the Due Diligence Period expires without notice from Buyer that the Property is in acceptable condition, this Agreement shall terminate without further action of either Party, and Title Company shall return the Earnest Money Deposit to Buyer without any further action necessary by Buyer or Seller.

4.6 During the Due Diligence Period, Buyer, in its sole discretion, may terminate this Agreement for any reason. In this event, the Title Company shall return the Earnest Money Deposit to Buyer without any further action necessary by Buyer or Seller.

5. ACCESS. To permit Buyer, at its expense, to conduct its examinations, studies, surveys, inspections, and investigations of the Property during the Due Diligence Period, Seller shall allow Buyer and its agents reasonable access to the Property. Seller shall provide Buyer with such information as Buyer reasonably requests.

5.1 To the extent allowed by the Idaho Constitution and Idaho Code, and without waiving any defense or immunity, Buyer agrees to indemnify Seller from and against any lien, claim, damage, judgment, cost or expense against Seller or the Property arising from or relating to such entry on the Property and caused by the negligence of Buyer or Buyer’s agents. If Buyer or its agents damage the Property during any inspection, investigation, or other examination, Buyer shall restore the Property to its condition prior to such damage. Buyer’s obligations hereunder shall survive Closing or the earlier termination of this Agreement.
6. REPRESENTATIONS AND WARRANTIES; PROPERTY SOLD AS-IS.

6.1. Seller’s Representations and Warranties. Seller represents and warrants to Buyer that the statements contained in this Section 6.1 are correct as of the date on which Seller executed this Agreement and that they will be materially correct as of Closing.

6.1.1. Authority. Seller, and the person(s) signing this Agreement on behalf of Seller, has the power and authority to execute this Agreement. Seller has, or prior to Closing shall have, power and authority to perform its obligations hereunder. Seller acknowledges herein that in owning and selling property in, and doing business in the State of Idaho, that it may sue and be sued in the state of Idaho, and hereby consents to the exercise of jurisdiction over Seller by the courts of the state of Idaho in all matters related to this Agreement. Further, Seller is in good standing and has not filed for bankruptcy or made a general assignment for the benefit of creditors or in connection with any debt encumbering the Property.

6.1.2. Parties-in-Possession. Seller warrants that on or before Closing, the Property will not be subject to any leases, tenancies, or rights of possession other than those expressly disclosed to and approved by Buyer.

6.1.3. Non-Foreign Status. Seller is not a “foreign person” for purposes of Internal Revenue Code (“IRC”) Section 1445. Prior to Closing, Seller shall execute and deliver an affidavit (“Non-Foreign Status Affidavit”) to Escrow Agent to comply with the Foreign Investment in Real Property Tax Act requirements of the IRC Section 1445. A draft Non-Foreign Status Affidavit is attached hereto as EXHIBIT C and incorporated herein by reference.

6.1.4. No Hazardous Waste. To Seller’s knowledge, the Property complies with all federal, state, and local environmental laws, rules, and regulations with regard to its use, lease, and occupation, and any activities conducted on the Property. Except as disclosed to Buyer, Seller has no knowledge of any notice of any kind from any agency suggesting that the Property is or may be targeted for a Superfund cleanup, or that underground storage tanks containing fuel, oil, or other hazardous materials are or were installed on the Property, or that any hazardous materials or wastes are contained in or located on the Property. Seller otherwise has no knowledge that the Property or any portion thereof, whether in or under the Property, has been used for the storage or disposal of, or is subject to, any chemicals, petroleum, or oil products, or hazardous or dangerous wastes or substances, except those chemicals, products, wastes, or substances customarily used on agricultural real property for the maintenance, occupancy, and operation of the Property, all of which were used, to Seller’s knowledge, in accordance with applicable law. To Seller’s knowledge, there are no pending enforcement, administrative actions, or
environmental claims relating to the Property. Seller makes no other representations or warranties regarding the condition of the Property or the presence of hazardous wastes on the Property.

6.1.5. **No Liens.** Seller warrants that all persons and corporations supplying labor, materials, and equipment on behalf of Seller to the Property have been paid, and there are no pending or outstanding claims of liens relating thereto.

6.1.6. **No Contracts.** Seller has no knowledge of any existing service contracts, maintenance contracts, or utility agreements to which it is a party which pertain to the Property. All such contracts or agreements that Seller is able to cancel on thirty (30) days’ notice will be canceled as of the Closing Date.

6.1.7. **No Assessments.** To Seller’s knowledge, there are no currently due and payable assessments for public improvements against the Property.

6.1.8. **Title.** To Seller’s knowledge, Seller has good and marketable title to the Property.

6.1.9. **No Violation of Law.** Seller has no knowledge that the Property, or any use of the Property, violates any applicable statute, ordinance, or regulation.

6.1.10. **No Litigation or Adverse Events.** To Seller’s knowledge, there are no pending, outstanding, or threatened investigations, actions, suits, proceedings, or claims against or affecting the Property, at law or in equity, or before or by any federal, state, municipal, or other governmental department, commission, board, agency, or instrumentality.

6.1.11. **Condemnation.** To Seller’s knowledge, there is no existing, proposed, or threatened condemnation or similar proceeding affecting the Property.

6.1.12. **Knowledge.** As used in this Agreement, the term “knowledge” means with respect to Seller, the actual knowledge of Seller or Seller’s agents, without investigation.

6.2 **Acceptance of the Property; Property Sold As-Is.**

6.2.1 Without limiting Buyer’s right to terminate this Agreement for any reason during the Due Diligence Period (see Section 4., above), Buyer acknowledges and agrees that, except for the specific representations and warranties and agreements expressly
contained herein, Buyer is purchasing the Property in its “Where-Is” and “As-Is” condition, with all faults with respect to any and all facts, circumstances, conditions and defects, whether known or unknown, relating to the Property.

6.2.2 If, after conducting such examinations, studies, surveys, inspections, and investigations of the Property during the Due Diligence Period as Buyer deems necessary, Buyer is satisfied with the condition of the Property, Buyer will acknowledge:

6.2.2.1 That Buyer was afforded the right and opportunity to enter upon the Property and make such tests and inspections of the Property as Buyer desired, including, but not limited to, those related to soils, environmental issues, including Phase I and II environmental tests if deemed necessary by Buyer, pests (including wood-destroying pests), molds and allergens (including toxic and illness-causing molds, fungi, spores, allergens, pollens, and other botanical substances) and engineering matters.

6.2.2.2 That some problems, conditions, or claims may exist with respect to the Property that are unknown to the Parties, and that the Parties explicitly considered those problems, conditions, or claims in negotiating and determining the Purchase Price for the Property.

6.2.2.3 That some conditions that may be material to Buyer may not be discoverable without inspections and/or testing from qualified professionals.

6.2.4 That Seller and its agents, attorneys, and employees made no representations or warranties (express or implied), except as set forth in Section 6.1 (above), with respect to, and shall have no liability to Buyer for: (a) the condition of the Property or any buildings, structures, or improvements included thereon; (b) the suitability, habitability, merchantability, or fitness of the Property for Buyer’s intended uses, or for any use whatsoever; (c) the Property’s compliance with any applicable building, environmental, safety, zoning, or fire laws or regulations; (d) the existence of, or compliance with, any permits required by any governmental agency; and (e) any other matter relating to the condition of the Property.

6.2.3 If, after conducting such examinations, studies, surveys, inspections, and investigations of the Property during the Due Diligence Period as Buyer deems necessary, Buyer is satisfied with the condition of the Property, Buyer will warrant to Seller at Closing:

6.2.3.1 That Buyer made all of the investigations and inspections Buyer deemed necessary in connection with its purchase of the Property.
6.2.3.2 That Buyer approves, without reservation, all aspects of this transaction, including but not limited to the physical condition of the Property and the use, title, and the financial aspects of the operation of the Property.

7. TITLE AND TITLE INSURANCE.

7.1 Title Commitment. Within ten (10) days of the Effective Date, Seller shall furnish to Buyer a commitment for the issuance of a Title Policy, defined below, from the Title Company (“Commitment”) for the Property in the amount of the Purchase Price, which shall include copies of all documents referenced therein. Within ten (10) days after receipt of the Commitment, Buyer shall examine the Commitment and provide Seller with written notice of any objection to matters shown on the same (“Objections”). Any matters appearing on the Commitment that are not timely objected to by Buyer shall be deemed to be acceptable to Buyer (collectively, the “Permitted Exceptions”). If Objections are so made, Seller shall notify Buyer in writing within ten (10) days after receipt of the Objections (“Seller’s Title Notice”) those matters Seller intends to remove or cure at Closing and those matters Seller does not intend to remove or cure. Failure by Seller to send Seller’s Title Notice shall be deemed election by Seller to not remove or cure any of the Objections. Notwithstanding the foregoing, all monetary obligations affecting the Property, including liens, mortgages, or deeds of trust, and all real property taxes and assessments (“Taxes”) for prior years shall be removed at or prior to Closing, unless Buyer otherwise agrees in writing. In the event Seller gives Buyer written notice that it cannot remove or cure those matters shown in the Objections, or fails to give Seller’s Title Notice, Buyer may elect to terminate this Agreement, in which event Buyer and Seller shall have no further obligations under this Agreement; alternatively, Buyer may elect to purchase the Property subject to such unremoved exception(s). Buyer shall provide Seller with written notification of Buyer’s election within five (5) days of its receipt (or deemed receipt) of Seller’s Title Notice that it cannot cure or remove the exceptions to which Buyer objected. Buyer’s failure to provide any written notification of its election within such time shall be deemed an election by Buyer, should Buyer ultimately elect to purchase the Property, that Buyer consents to purchase the Property subject to such unremoved exception(s).

7.2 Title Insurance. Seller, at sole cost to Seller, shall purchase a standard title insurance policy (“Title Policy”) pursuant to the title commitment provided by the Title Company, dated as of the Closing and insuring fee simple title to the Property in Buyer in the amount of the Purchase Price against loss or damage by reason of defect in Buyer’s title to the Property, subject to the printed exclusions and exceptions shown on the title commitment or appearing in the policy form and excluding real property taxes and assessments that are not delinquent. Buyer may, at its own cost, purchase extended title insurance coverage.
7.3 **Conveyance Documents.** At Closing, Seller shall execute and deliver or shall cause to be executed and delivered to Buyer a warranty deed in substantially the same form as attached hereto as EXHIBIT D and incorporated herein by reference, conveying good and marketable title to the Property.

7.4 **Post-Closing Boundary Adjustment.** Buyer and Seller acknowledge that there is an encroachment on the Property line by a residence on the parcel to the north of the Property with the Tax Identification Number R2125000150 ("Residence Parcel"). The Residence Parcel is also owned by Seller. After closing of the purchase, the parties agree to complete an adjustment of the property line between the Property and the Residence Parcel to add approximately 10 feet to the Residence Parcel’s south boundary line and adjust the Property’s north boundary line accordingly within one (1) year of the Closing Date ("Boundary Adjustment"). Seller is permitted to place a fence delineating the approximate 10 feet adjustment on the Property at its cost, provided that Seller will adjust the location of the fence to match the Boundary Adjustment if necessary. The parties will equally share the costs of the Boundary Adjustment and will cooperate with each other in taking all actions and signing all documents necessary for its timely completion, including, but not limited to the filing of the application and supporting documents for the Boundary Adjustment, obtaining a record of survey showing the revised boundary between the Residential Parcel and the Property, and the recording of deeds to create the new adjusted legal parcels for the Residence Parcel and the Property. This Section 7.4 will survive the Closing of this transaction.

8. **CLOSING AND RELATED MATTERS.**

8.1. **Closing.** If, during the Due Diligence Period or any extension thereof, Buyer notifies Seller that Buyer accepts the condition of the Property, then the closing of the purchase and sale of the Property shall occur within ten (10) business days of the end of the Due Diligence Period, or such other time as the Parties may agree in writing ("Closing" or "Closing Date").

8.2. **Escrow Closing.** Closing shall take place at the office of TitleOne, 1101 West River Street, #201, Boise, Idaho 83702 or other title company selected by mutual agreement of the Parties ("Title Company" or "Escrow Agent"). On or before the Closing Date, Buyer and Seller shall deposit in escrow with Escrow Agent all instruments, documents, and monies (payable in cash by wire funds or official bank check), and Closing instructions approved by the Parties and necessary to complete the transaction in accordance with this Agreement. The Escrow Agent’s escrow and closing fees shall be equally divided between Seller and Buyer. *Ad valorem* and similar taxes, if any, with respect to the Property, utility charges and other expenses and rents with respect to the Property shall be prorated as of the Closing Date with Seller deemed to have owned the Property for the entire day of the Closing. Seller shall pay all taxes at Closing for such period. The Parties agree and acknowledge that Buyer is a tax-exempt entity and shall not be required to pay taxes and/or assessments for the Property after the Closing Date, however, Seller shall not be liable
for any taxes and/or assessments imposed on this Property for any time period after Closing. All expenses not specifically referenced in this Agreement that are incurred by Seller or Buyer with respect to this transaction shall be borne and paid exclusively by the Party incurring the same, without reimbursement.

8.3. **Conditions to Closing.**

8.3.1. **Buyer’s Closing Conditions.** Buyer’s obligation to close the transaction described in this Agreement is subject to the satisfaction, or the written waiver by Buyer, at or prior to Closing, of the following conditions precedent:

8.3.1.1. **Determination that Property Condition is Acceptable.** That Buyer is satisfied with the information obtained during the Due Diligence Period and that Buyer determines, in its sole discretion, on or before the end of the Due Diligence Period, that the condition of the Property is acceptable, including (but not limited to):

(a) That, should Buyer conduct a Phase I environmental assessment, Buyer is satisfied with the environmental condition of the Property, and that there were no changes to the environmental condition of the Property between the date of the Phase I environmental assessment and the Closing Date.

8.3.1.2. **Seller Deliveries.** That all documents Seller is required by this Agreement to deliver to Escrow Agent were timely deposited with Escrow Agent to be delivered to Buyer at Closing, or that the required documents were delivered to Buyer as required herein or as otherwise acceptable to Buyer.

8.3.1.3. **Representations and Warranties.** That Seller’s representations and warranties, as contained in this Agreement, were true and correct when made and continue to be true and correct on the Closing Date, subject to any corrections or disclosures made in writing to Buyer by Seller based on information Seller received after the Effective Date.

8.3.1.4. **Title Policy.** The Escrow Agent shall have irrevocably committed to issue the Title Policy.

8.3.1.5 **Survey.** Buyer at Buyer’s sole cost shall pay for a survey to establish the exact boundary of the northern property line of the Property. That, should Buyer conduct a Survey, Buyer is satisfied with the results of the survey of the Property, and that there were no changes to the Property between the date of the survey and the Closing Date.
8.3.2. **Seller’s Closing Conditions.** Seller’s obligation to close the transaction described in this Agreement is subject to the satisfaction, or the written waiver by Seller, at or prior to Closing, of the following conditions precedent:

8.3.2.1 **Receipt of Purchase Price.** That Buyer shall have delivered to Escrow Agent the Purchase Price.

8.3.2.2 **Buyer Deliveries.** That all documents Buyer is required by this Agreement to deliver to Escrow Agent were timely deposited with Escrow Agent to be delivered to Seller at Closing, or that the required documents were delivered to Seller as required herein or as otherwise acceptable to Seller.

8.3.2.3. **Representations and Warranties.** That Buyer’s representations and warranties, as contained in this Agreement, were true and correct when made and continue to be true and correct on the Closing Date, subject to any corrections or disclosures made in writing to Seller by Buyer based on information Buyer received after the Effective Date.

8.4. **Approval by Appropriate City Officials.** THIS AGREEMENT SHALL BE BINDING ON BUYER ONLY UPON THE BOISE CITY COUNCIL’S FORMAL APPROVAL OF THIS AGREEMENT BY DULY ENACTED RESOLUTION AND APPROVAL OF THE MAYOR’S AUTHORITY TO EXECUTE THIS AGREEMENT ON BUYER’S BEHALF. Upon adoption of a resolution approving this Agreement by the Boise City Council, the Mayor and City Clerk, respectively, shall forthwith execute and attest to this Agreement.

8.5 **Risk of Loss, Condemnation.** Risk of loss of or damage to the Property shall be borne by Seller until the Closing Date. If the Property is or becomes the subject of any condemnation proceeding prior to Closing, Buyer may, at its option, terminate this Agreement by giving notice of such termination to Seller on or before the Closing Date, and upon such termination, this Agreement shall be of no further force or effect; provided, however, that Buyer may elect to purchase the Property, in which case the Purchase Price shall be reduced by the amount of any condemnation award received by Seller at or prior to Closing. At Closing, Seller shall assign to Buyer all Seller’s rights in and to any future condemnation awards or other proceeds payable or to become payable by reason of any taking. Seller agrees to notify Buyer of eminent domain proceedings within five (5) days after Seller learns prior to Closing of any such proceeding.

8.6 **Destruction or Damage.** In the event that prior to the Closing Date all or any material portion of the Property shall be destroyed or damaged, Seller shall give Buyer notice of such occurrence, and Buyer shall thereafter have the option to terminate this Agreement, in
which event all obligations of the parties hereunder shall cease and this Agreement shall have no further force and effect. Buyer shall exercise this option to terminate by giving Seller notice of such termination within fifteen (15) days after receipt of notice from Seller.

9. BROKERAGE. The RESPONSIBLE BROKER in this transaction is Michael J. Ballantyne, Designated Broker for TOK LLC DBA TOK Commercial.

Listing Broker: None
Agent: 
Address: 
Phone: 
Email: 

Selling Broker: TOK LLC
Agent: Sam McCaskill
Address: 250 S. 5th Street, 2nd Floor
Boise, ID 83702
Phone: 208.947.0804
Email: sam@tokcommercial.com

Except as expressly set forth above, the parties agree that no other broker or agent was the procuring cause of the transaction contemplated by this Agreement, and each of the parties represents and warrants to the other that it has not incurred and will not incur any liability for finder’s or brokerage fees or commissions in connection with this Agreement. Buyer and Seller each agree to protect, defend, indemnify and hold harmless the other, their respective successors and assigns, from and against any and all obligations, costs, expenses, and liabilities including, without limitation, all reasonable attorneys’ fees and court costs, arising out of or relating to any claim for finder’s or brokerage fees or commissions or other such compensation resulting from the dealings of Buyer and Seller in connection with the transaction completed by this Agreement.

9.1 REPRESENTATION CONFIRMATION. Check one (1) box in Section 1 and one (1) box in Section 2 below to confirm that in this transaction, the brokerage(s) involved had the following relationship(s) with the Buyer and Seller, respectively:

Section 1:
☐ A. The brokerage working with the Buyer(s) is acting as an AGENT for Buyer(s).
☐ B. The brokerage working with the Buyer(s) is acting as a LIMITED DUAL AGENT for Buyer(s), without an ASSIGNED AGENT.
☐ C. The brokerage working with the Buyer(s) is acting as a LIMITED DUAL AGENT for Buyer(s) and has an ASSIGNED AGENT acting solely on behalf of the Buyer(s).
☒ D. The brokerage working with the Buyer(s) is acting as a NONAGENT for Buyer(s).

Section 2:
☐ A. The brokerage working with Seller(s) is acting as an AGENT for Seller(s). 

Attachment: PSA 3912 State Street (Executable) (RES-343-20 : Real Property Purchase and Sale Agreement - 3912 West State Street)
B. The brokerage working with Seller(s) is acting as a LIMITED DUAL AGENT for Seller(s), without an ASSIGNED AGENT.

C. The brokerage working with Seller(s) is acting as a LIMITED DUAL AGENT for Seller(s) and has an ASSIGNED AGENT acting solely on behalf of the Seller(s).

D. The brokerage working with the Seller(s) is acting as a NONAGENT for Seller(s).

Each party signing this Agreement confirms that such party has received, read and understood the Agency Disclosure Brochure attached hereto as Exhibit E and made a part hereof, adopted or approved by the Idaho Real Estate Commission, and has consented to the relationship confirmed above. In addition, each party confirms that the Selling/Listing Brokerage’s agency office policy was made available for inspection and review. Each party understands that such party is a “Customer,” and is not represented by a brokerage unless there is a signed written agreement for agency representation.

10. NOTICES. All notices and demands that any Party is required or may desire to give to the other Party under this Agreement shall be in writing and delivered to the other Party at that Party’s address, as set forth below or as subsequently designated by that Party in writing. Every notice or demand shall be deemed given or made as follows: (a) If sent by hand delivery or electronic mail, upon delivery; (b) if sent by U.S. Mail, upon the earlier of the date of receipt or three (3) days after deposit in the U.S. Mail, First Class with postage prepaid; or (c) if sent by overnight service, upon the earlier of receipt or the day after deposit with the overnight carrier.

If to Seller: Gary L Davis and Dee S Davis

2452 E. Beacon Light Rd.
Eagle, ID 83616

If to Buyer: AnaMarie Guiles
Planning and Development Services
City of Boise
150 N. Capitol
Boise, ID 83702

with copies to:
Office of the City Attorney
City of Boise
150 N. Capitol Blvd.
Boise, Idaho 83701-0500
11. **COUNTERPARTS.** This Agreement may be executed in counterparts, each of which shall constitute an original, but all together shall constitute one and the same Agreement. Delivery of an executed counterpart of a signature page of this Agreement via facsimile transmission or of an executed counterpart of a scanned signature page of this Agreement via email shall be as effective as delivery of an original signed copy.

12. **ENTIRE AGREEMENT.** This Agreement embodies the entire agreement between the Parties hereto with respect to the subject matter hereof. No extension, change, modification, or amendment to or of this Agreement of any kind whatsoever shall be made or claimed by Seller or Buyer, and no notice of any extension, change, modification, or amendment made or claimed by Seller or Buyer shall have any force or effect whatsoever unless the same shall be endorsed in writing and be signed by the Party against which the enforcement of such extension, change, modification, or amendment is sought, and then only to the extent set forth in such instrument.

13. **NO MERGER.** The obligations, covenants, representations, and warranties herein contained shall not merge with transfer of title but shall remain in effect until fulfilled.

14. **CAPTIONS.** The captions at the beginning of the several sections, respectively, are for convenience in locating the context, but are not part of the text of this Agreement, and shall not be used to ascertain the meaning or intent of any term, condition, or provision of this Agreement.

15. **SEVERABILITY.** In the event any term, condition, or provision of this Agreement shall be held to be illegal, invalid, unenforceable, or inoperative as a matter of law, the offending term, condition, or provision shall be stricken and all remaining terms and provisions of this Agreement shall be deemed separate, valid, and in full force and effect, unaffected by striking the offending term, condition, or provision.

16. **GOVERNING LAW.** This Agreement shall be interpreted and construed in accordance with the laws of the state of Idaho, without regard to its principles of conflicts of laws, and with the same force and effect as if this Agreement was fully executed and performed therein.

17. **ADDITIONAL ACTS.** Each Party agrees to take such other actions and to execute and deliver such further documents as may reasonably be required to consummate this transaction, and to afford each other reasonable cooperation towards that end.

18. **ASSIGNMENT; BINDING EFFECT.** Buyer may not assign this Agreement without the prior written consent of Seller, which consent may be withheld in Seller’s sole discretion. This Agreement shall be binding upon, and inure to the benefit of, the Parties and their permitted successors and assigns.
19. **REMEDIES.** If Buyer defaults under this Agreement, Seller may elect to terminate this Agreement, in which event the Agreement shall have no further force and effect, except for this section 19, Buyer’s representations, warranties, and obligations in sections 4.3, 5, 9 and 25, and Seller’s obligations in section 25, which shall survive termination of this Agreement. If Seller defaults under this Agreement, Buyer may elect to terminate this Agreement, in which event the Agreement shall have no further force and effect except for this section 19, Buyer’s representations, warranties, and obligations in sections 4.3, 5, 9 and 25, and Seller’s obligations in section 25, which shall survive termination of this Agreement. A Party shall be in “default” if a Party fails to perform its obligations hereunder and fails to cure or remedy such default within ten (10) days after receipt of written notice from the Party claiming the default, specifying the nature of such default. The Parties intend these to be the sole and exclusive remedies. In the event of any such controversy, claim, or action being filed between the Parties and arising out of this Agreement, the prevailing party shall be entitled to receive from the other Party reasonable attorneys’ fees and costs through all levels of action incurred by the prevailing Party.

20. **WAIVER.** Waiver of performance of any provision of this Agreement shall be in writing, and shall not be a waiver of, nor prejudice, either Party’s right to require performance of the same provision in the future, or to require performance of any other provision.

21. **ESCROW INSTRUCTIONS.** The Escrow Agent shall be instructed to, in a manner consistent with the terms hereof: receive and hold deposits and other funds; disburse such funds in accordance with separate authorization signed by Buyer and Seller; prepare closing statements for execution by Buyer and Seller; receive documents, secure their execution and acknowledgement, record them in the proper sequence, deliver originals to the appropriate parties, and deliver copies of all documents signed by either party to that party.

22. **TIME OF THE ESSENCE.** Time is of the essence in this Agreement, including but not limited to the Closing Date. The timeframe within which any act required under this Agreement is to be performed shall be computed using the method set forth in Rule 2.2(a) of the Idaho Rules of Civil Procedure. A business day is herein defined as Monday through Friday and shall not include any Saturday or Sunday, nor shall a business day include any legal holiday recognized by the State of Idaho as found in Idaho Code Section 73-108.

23. **ACCEPTANCE; EFFECTIVE DATE.** Seller’s signature hereon constitutes an offer to sell the Property to Buyer on the terms and conditions set forth herein. Unless acceptance hereof is made by Buyer’s execution of this Agreement and the Agreement is approved by the Boise City Council, this offer shall be null and void, and neither Seller nor Buyer shall have any further rights or obligations under this Agreement. Delivery of this offer shall be effective upon personal delivery to Buyer or Buyer’s attorney. This Agreement shall be effective (“Effective Date”) as of the later of the dates subscribed below the signatures of the respective Parties.
24. **TAX-DEFERRED EXCHANGE.** Notwithstanding any other provisions contained herein, either Party may use the transaction contemplated herein to facilitate a tax-deferred exchange of the Property under such terms and conditions that qualify as a tax-deferred exchange under Section 1031 of the Internal Revenue Code of 1986, as amended. The Parties hereby agree to cooperate with each other fully in completing such tax-deferred exchange(s), provided, however that: (i) such tax-deferred exchange(s) creates no additional liability to the Party not effecting such tax deferred exchange; (ii) all costs of facilitating such tax-deferred exchange are paid by the party effecting the 1031 Exchange; and (iii) closing is not delayed due to such tax-deferred exchange.

25. **NO NEWS RELEASE.** Neither Seller nor Buyer shall issue or approve a news release or other announcement concerning the transaction contemplated herein without the other Party’s prior approval of the contents of the announcement and its release, which approval shall not be unreasonably withheld, delayed, or denied. However, Seller expressly understands and agrees that the approval of this Agreement by Buyer’s governing body must occur in an open meeting following public notice of a proposed resolution, which may result in the publication of a story in one or more news media outlets.

**IN WITNESS WHEREOF,** the authorized officer or agent of each of the Parties executed this Agreement.

*[signatures follow on next page]*
FOR SELLER:
Gary L. Davis, as to an undivided 50% interest and Gary L. Davis and Dee S. Davis, husband and wife, as to an undivided 50% interest

By: ____________________________
Gary L. Davis

By: ____________________________
Dee S. Davis

Date: 8/19/2020 | 4:27 PM PDT

FOR BUYER:
Boise City

By: ____________________________
Lauren McLean, Mayor

Attest
By: ____________________________
Lynda Lowry, Ex-Officio City Clerk

Date: ____________________________

Exhibits
Exhibit A – Legal Description of the Property
Exhibit B – Depiction of the Property
Exhibit C – Non-Foreign Status Affidavit
Exhibit D – Special Warranty Deed
EXHIBIT A

Legal Description of Property

Parcel R2125000160:
Lots 12, 13 and 14 of Edwards Subdivision, according to the plat thereof, filed in Book 9 of Plats at Page(s) 451, records of Ada County, Idaho.
EXCEPT the Northerly 60 feet of said Lot 12.
EXHIBIT B

Depiction of the Property
EXHIBIT C

Non-Foreign Status Affidavit [draft]

Section 1445 of the Internal Revenue Code provides that a transferee (buyer) of a United States real property interest must withhold tax if the transferor (seller) is a foreign person. To inform the city of Boise City (“Transferee”) that withholding of tax is not required upon the disposition of a United States real property interest by (“Transferor”), the undersigned hereby certifies the following on behalf of the Transferor:

1. That the Transferor is the owner of the following described real property, to wit:

2. That the Transferor is not a non-resident alien for purposes of the United States income taxation, as that term is defined in the Internal Revenue Code and Income Tax Regulations.

3. That the Transferor’s United States taxpayer identification number is:

4. That the Transferor’s address is:

5. That the Transferor understands that this Affidavit of Non-foreign Status will be disclosed to the Internal Revenue Service by the Transferee, and that any false statement contained herein could be punished by fine, by imprisonment, or by both such fine and imprisonment.

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS CERTIFICATION, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS TRUE, CORRECT, AND COMPLETE. I FURTHER DECLARE THAT I HAVE AUTHORITY TO SIGN THIS DOCUMENT ON BEHALF OF THE TRANSFEROR.

By: _______________________________ Dated: _______________________________
Printed Name: _______________________________
Title: _______________________________

STATE OF IDAHO )
County of Ada ) ss.

On this ___ day of ____________, 2020, before me the undersigned, personally appeared _______________________________, known or identified to me to be the _______________________________ of _______________________________, that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

________________________________
Notary Public
Residing at _______________________________
My commission expires: __________________

Real Estate Purchase and Sale Agreement
EXHIBIT D

Warranty Deed

[Begins on next page]
For value received, _______________________________ (“Grantor”), conveys, grants, bargains, and sells to the city of Boise City (“Grantee”), whose current address is 150 N. Capitol Boulevard, Boise, Idaho 83701-0500, and its successors and assigns forever, the following described real property situated in Ada County, State of Idaho (“Property”):

Lots 12, 13 and 14 of Edwards Subdivision, according to the Plat thereof, filed in Book 9 of Plats at Page 451, records of Ada County, Idaho.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the Property herein described as well in law as in equity.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said Property that the Property is free from encumbrances, excepting those as may be herein set forth in Exhibit A (“Permitted Exceptions”), and subject to the Permitted Exceptions, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this _____ day of ______________, 20____.

STATE OF IDAHO )
) ss.
County of __________ )

This record was acknowledged before me on ________________ by .

Real Estate Purchase and Sale Agreement
EXHIBIT E

Agency Disclosure Brochure

A Consumer Guide to Understanding Agency Relationships in Real Estate Transactions

Duties owed to Idaho consumers by a real estate brokerage and its licensees are defined in the “Idaho Real Estate Brokerage Representation Act.” Idaho Code 54-2082 through 54-2097.

This informational brochure is published by the Idaho Real Estate Commission.

Effective July 1, 2019

“Agency” is a term used in Idaho law that describes the relationships between a licensee and some parties to a real estate transaction.

Right Now You Are a Customer

Idaho law says a real estate brokerage and its licensees owe the following “Customer” duties to all consumers in real estate transactions:

• Perform necessary and customary acts to assist you in the purchase or sale of real estate;
• Perform these acts with honesty, good faith, reasonable skill and care;
• Properly account for money or property you place in the care and responsibility of the brokerage; and
• Disclose “adverse material facts” which the licensee knows or reasonably should have known. These are facts that would significantly affect the desirability or value of the property to a reasonable person, or facts establishing a reasonable belief that one of the parties cannot, or does not intend to, complete obligations under the contract.

If you are a Customer, a real estate licensee is not required to promote your best interests or keep your bargaining information confidential. If you use the services of a licensee and brokerage without a written Representation (Agency) Agreement, you will remain a Customer throughout the transaction.

A Compensation Agreement is a written contract that requires you to pay a fee for a specific service provided by a brokerage, and it is not the same as a Representation Agreement. If you sign a Compensation Agreement, you are still a Customer, but the brokerage and its licensees owe one additional duty:

• Be available to receive and present written offers and counter-offers to you or from you.

You May Become a Client

If you want a licensee and brokerage to promote your best interests in a transaction, you can become a “Client” by signing a Buyer or Seller Representation (Agency) Agreement. A brokerage and its licensees will owe you the following Client duties, which are greater than the duties owed to a Customer:

• Perform the terms of the written agreement;
• Exercise reasonable skill and care;
• Promote your best interests in good faith, honesty, and fair dealing;
• Maintain the confidentiality of your information, including bargaining information, even after the representation has ended;
• Properly account for money or property you place in the care and responsibility of the brokerage;
• Find a property for you or a buyer for your property, and assist you in negotiating an acceptable price and other terms and conditions for the transaction;
• Disclose all “adverse material facts” which the licensee knows or reasonably should have known, as defined above; and
• Be available to receive and present written offers and counter-offers to you or from you.

The above Customer or Client duties are required by law, and a licensee cannot agree with you to modify or eliminate any of them.

If you have any questions about the information in this brochure, contact:
Idaho Real Estate Commission
(208) 334-3285
vec.idaho.gov

Real Estate Purchase and Sale Agreement
Agency Representation (Single Agency)

Under “Agency Representation” (sometimes referred to as “Single Agency”), you are a Client and the licensee is your Agent who represents you, and only you, in your real estate transaction. The entire brokerage is obligated to promote your best interests. No licensee in the brokerage is allowed to represent the other party to the transaction.

If you are a seller, your Agent will seek a buyer to purchase your property at a price and under terms and conditions acceptable to you, and assist with your negotiations. If you request it in writing, your Agent will seek reasonable proof of a prospective purchaser's financial ability to complete your transaction.

If you are a buyer, your Agent will seek a property for you to purchase at an acceptable price and terms, and assist with your negotiations. Your Agent will also advise you to consult with appropriate professionals, such as inspectors, attorneys, and tax advisors. If disclosed to all parties in writing, a brokerage may also represent other buyers who wish to make offers on the same property you are interested in purchasing.

Limited Dual Agency

“Limited Dual Agency” means the brokerage and its licensees represent both the buyer and the seller as Clients in the same transaction. The brokerage must have both the buyer's and seller's consent to represent both parties under Limited Dual Agency. You might choose Limited Dual Agency because you want to purchase a property listed by the same brokerage, or because the same brokerage knows of a buyer for your property. There are two kinds of Limited Dual Agency:

Without Assigned Agents

The brokerage and its licensees are Agents for both Clients equally and cannot advocate on behalf of one client over the other. None of the licensees at the brokerage can disclose confidential client information about either Client. The brokerage must otherwise promote the non-conflicting interests of both Clients, perform the terms of the Buyer and Seller Representation Agreements with skill and care, and other duties required by law.

With Assigned Agents

The Designated Broker may assign individual licensees within the brokerage (“Assigned Agents”) to act solely on behalf of each Client. An assigned Agent has a duty to promote the Client’s best interests, even if your interests conflict with those of the other Client, including negotiating a price. An Assigned Agent must maintain the Client’s confidential information. The Designated Broker is always a Limited Dual Agent for both Clients and ensures the Assigned Agents fulfill their duties to their respective clients.

What to Look For in Any Written Agreement with a Brokerage

A Buyer or Seller Representation Agreement or Compensation Agreement should answer these questions:

- When will this agreement expire?
- What happens to this agreement when a transaction is completed?
- Can I work with other brokerages during the time of my agreement?
- Can I cancel this agreement, and if so, how?
- How will the brokerage get paid?
- What happens if I buy or sell on my own?
- Under an Agency Representation Agreement am I willing to allow the brokerage to represent both the other party and me in a real estate transaction?

Real Estate Licensees Are Not Inspectors

Unless you and a licensee agree in writing, a brokerage and its licensees are not required to conduct an independent inspection of a property or verify the accuracy or completeness of any statements or representations made regarding a property. To learn about the condition of a property, you should obtain the advice of an appropriate professional, such as a home inspector, engineer or surveyor.

Audio/Video Surveillance

Use caution when discussing anything while viewing a property; audio or video surveillance equipment could be in use on listed properties.

If you sign a Representation Agreement or Compensation Agreement with a licensee, the contract is actually between you and the licensee's brokerage. The Designated Broker is the only person authorized to modify or cancel a brokerage contract. The licensee who gave you this brochure is licensed with:

Name of Brokerage: TOK LLC
Phone: 208.378.4600

RECEIPT ACKNOWLEDGED

[Signature]
Date: 8/19/2020

Packet Pg. 114
TO: Mayor and Council
FROM: Jim Pardy, Public Works
NUMBER: RES-344-20
DATE: August 13, 2020
SUBJECT: ACHD Interagency Agreement Maple Grove Road

BACKGROUND:

ACHD is widening Maple Grove Road between W. Victory Road and W. Overland Road. As part of the ACHD road widening, several sewer services will need to be extended to the new right-of-way. Also, several existing services will be adjusted to grade in order to avoid potential conflicts with the proposed ACHD work. Performing this work in conjunction with the ACHD project should provide cost saving opportunities to the City and minimize inconvenience to the property owners. Boise City will reimburse ACHD for the cost of extending approximately 345 linear feet of sewer services, new manhole removal and replacement, adjusting existing sewer services, and other related work. These costs will be paid out of the project budget. Cost is anticipated to be approximately $70,000.

FINANCIAL IMPACT:

Department has confirmed sufficient funding is available for this obligation.

ATTACHMENTS:

- ACHD Agreement Maple Grove Road (PDF)
CITY OF BOISE

Resolution NO. RES-344-20

BY THE COUNCIL

BAGEANT, CLEGG, HALLYBURTON, SANCHEZ, THOMSON AND WOODINGS

A RESOLUTION APPROVING AN INTERAGENCY AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND THE ADA COUNTY HIGHWAY DISTRICT ("ACHD") FOR THE MAPLE GROVE ROAD SEWER SERVICE EXTENSIONS; ACHD PROJECT #517039; PUBLIC WORKS PROJECT #CSP-1108; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Interagency Agreement by and between the city of Boise City and the Ada County Highway District ("ACHD"), a copy of said Agreement marked attached hereto and incorporated herein by reference, be, and the same is hereby, approved as to both form and content.

Section 2. That the Mayor and City Clerk be, and they hereby are, authorized to respectively execute and attest said Agreement for and on behalf of the city of Boise City.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.


APPROVED:  

Lauren McLean, Mayor

ATTEST:

Lynda Lowry, Ex-Officio City Clerk
INTERAGENCY AGREEMENT FOR:
ROADWAY CONSTRUCTION/ SEWER CONSTRUCTION
MAPLE GROVE ROAD, VICTORY ROAD TO OVERLAND ROAD
ACHD PROJECT NO. 517039
BOISE CITY PROJECT NO. CSP-1108

THIS INTERAGENCY AGREEMENT FOR ROADWAY CONSTRUCTION/SEWER CONSTRUCTION (“Agreement”) is made and entered into this __________ day of __________________, 2020, by and between the ADA COUNTY HIGHWAY DISTRICT, a highway district organized under the laws of the State of Idaho (“DISTRICT” or “ACHD”), and the CITY OF BOISE, a municipal corporation organized under the laws of the State of Idaho (“BOISE” or “City”), regarding ACHD Project no. 517039.

RECITALS

WHEREAS, ACHD is a single county-wide highway district, a public entity, organized and existing pursuant to Idaho Code Title 40, Chapter 14, as amended and supplemented, with the exclusive jurisdiction and authority to maintain, improve, regulate and operate public rights-of-way in Ada County;

WHEREAS, City is a municipal corporation organized and operating pursuant to Idaho Code Title 50, as amended and supplemented with jurisdiction, authority and police power to regulate and control municipal activities within the City;

WHEREAS, Idaho Code § 67-2332 provides that one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which each public agency entering into the contract is authorized by law to perform, provided that such contract is authorized by the governing body of each party and that such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties; and

WHEREAS, DISTRICT and BOISE desire to undertake a cooperative effort to incorporate into the DISTRICT’S road construction project known as MAPLE GROVE ROAD, VICTORY ROAD TO OVERLAND ROAD (“Project” or “Project Boundaries”), certain modifications or improvements to City owned facilities, including constructing sewer services or stubs and adjusting manholes to grade (collectively, “City Sewer Improvements”) as detailed in Project no. 517039, to be constructed pursuant to a separately-executed agreement between DISTRICT and the selected Contractor (“CONTRACT”); and

WHEREAS, DISTRICT is willing to include the City Sewer Improvements in the Project plans, subject to the terms, conditions and obligations set forth in this Agreement and so long as DISTRICT receives assurances by the City that it will fully reimburse DISTRICT for all actual costs including, any indirect costs and expenses that DISTRICT incurs as a result of the additional work attributable to the modification or installation of the City Sewer Improvements within the Project Boundaries; and

NOW, THEREFORE, in consideration of the foregoing premises, mutual covenants and agreements herein contained, the parties hereto agree as follows:
1. **DISTRICT SHALL:**

   a. Be the party responsible for soliciting, receiving and opening of bids and for executing and administering the construction CONTRACT for the roadway reconstruction and City Sewer Improvements referenced herein, which CONTRACT shall include, *inter alia*, a provision that all work required for the City Sewer Improvements shall be performed in conformance with the most current edition of the Idaho Standards for Public Works Construction (ISPWC) and the most current City of BOISE Supplemental Specifications to the ISPWC.

   b. Provide BOISE with a complete set of combined bid documents for the roadway reconstruction, and for the City Sewer Improvements.

   c. Furnish BOISE with an abstract of all bids received, and obtain BOISE’S written concurrence with DISTRICT’S recommendation for award of the CONTRACT prior to making such award. BOISE’S concurrence shall specifically acknowledge that the City Sewer Improvements are and shall be subject to the terms and conditions of this Agreement. If BOISE does not concur, DISTRICT shall remove the City Sewer Improvements and if necessary, rebid the Project. BOISE shall be responsible and shall reimburse DISTRICT for any and all costs suffered by DISTRICT attributable to the removal of the City Sewer Improvements from the Project and if applicable, the rebidding of the Project.

   d. Include in the CONTRACT, a term providing that BOISE will have the right and authority to work directly with the Contractor to resolve any claims relating in any way to the City Sewer Improvements and that any such claims will be reviewed, approved or denied by BOISE.

   e. Coordinate with BOISE should any changes be made to DISTRICT’s portion of the CONTRACT or work pursuant thereto that does or may impact the City Sewer Improvements.

   f. Make monthly progress payments and the final CONTRACT payment to the Contractor in conformance with the terms of the construction CONTRACT.

   g. Submit to BOISE a copy of each design consultant billing attributable to the City Sewer Improvements if applicable and Contractor progress payment estimate, and the final CONTRACT payment estimate, as such estimates are approved by DISTRICT after obtaining BOISE’S concurrence regarding BOISE’S portion of the CONTRACT, together with an invoice for BOISE’S share of the construction CONTRACT costs earned by and to be paid to the Contractor.

   h. As applicable, provide for the reference and replacement of all pre-existing survey monuments within the Project.

   i. Provide the field survey and grade control necessary for construction of the roadway. Centerline or offsets and stationing shall be established prior to the City staking any sanitary sewer, manhole locations, and other City facilities.
j. At the conclusion of the Project, submit to BOISE written documentation of Boise approved expenditures with an invoice for payment of all costs and expenses the DISTRICT incurs, in addition to those provided under paragraph 1.g. above, as a result of the additional work attributed to the City Sewer Improvements within the Project Boundaries, including but not limited to, costs or changed conditions, plan errors and omissions, and delays attributable to design and/or installation of the City Sewer Improvements.

k. Indemnify, save harmless and defend regardless of outcome, BOISE from expenses and against suits, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees caused by or arising out of any negligent acts by DISTRICT or DISTRICT’S officers, employees, agents or contractors while acting within the course and scope of their employment, which arise from or which are in any way connected to the CITY Sewer Improvements. Such indemnification hereunder by DISTRICT shall in no event cause the liability of DISTRICT for any negligent act to exceed the amount of loss, damages, or expenses of attorney fees attributable to such negligent act, and shall not apply to loss, damages, expenses or attorney fees attributable to the negligence of BOISE. This duty to defend, indemnify and hold harmless is subject to the limitations of Idaho law, including Article VII Section 4, Idaho Constitution and Idaho Code Title 6 Chapter 9 (the Idaho Tort Claims Act), and to any other limitations set forth in the Agreement.

2. BOISE SHALL:

a. Provide the inspection, field survey and grade control required for the installation of all City Sewer Improvements incorporated into the Project and installed and adjusted under the CONTRACT and provide copies of appropriate tests and reports to the District Project Representative as designated by DISTRICT.

b. Provide DISTRICT with the special provisions if applicable, and stamped plans, bid quantities and an Engineers Estimate (or pursuant to Paragraph 1.g. pay the DISTRICT the actual cost if the DISTRICT’S design consultant prepares the same) for the City Sewer Improvements to be incorporated into the Project and included in the bid documents for the CONTRACT (all work required for the City Sewer Improvements to be performed in accordance with the most current edition of the Idaho Standards for Public Works Construction (ISPWC), the City’s Supplemental Specifications to the ISPWC, and the City’s Revisions to the Standard Specifications).

c. Remit to DISTRICT, within thirty-five (35) calendar days after the date of any invoice referenced in paragraph 1.g., all funds for which BOISE is responsible pursuant to the approved progress payment estimate and the final CONTRACT payment estimate.

d. Remit to DISTRICT, within thirty-five (35) calendar days after the date of invoice referenced in paragraph 1.j., all funds for which BOISE is responsible pursuant to this Agreement.
e. Reimburse DISTRICT five percent (5%) of BOISE’S construction costs attributable to the City Sewer Improvements as payment toward the additional costs incurred by DISTRICT, including overhead and benefits, and project administration costs which include but are not limited to: public advertisement of the Project, supplying bid plans, supplying construction plans, preparing and holding the preconstruction meeting, generating monthly pay estimates and paying the Contractor, preparing change orders, general construction project oversight, and maintaining construction project files.

f. Reimburse DISTRICT for mobilization, traffic control, flagging, detours and weekly meetings on a prorated basis. The prorated basis for the above items will be calculated using the percentage of BOISE’S project costs as they relate to the total project construction costs.

g. Provide (at City’s sole costs) trench compaction testing for the City Sewer Improvements from one-foot (1’) above the pipe zone to sub-grade of the roadway section; trench compaction testing shall be provided at the minimum frequency rate of one (1) test per one thousand (1,000) lineal feet, minimum one (1) for every three (3) transverse trenches; provide all re-testing required in any area that does not meet CONTRACT requirements; and provide copies of tests for the area along the alignment of the pipeline to the designated DISTRICT representative.

h. Be liable for the cost of repairing any trench failure attributable to the negligent performance of its obligations under this Agreement, and be liable for and indemnify, defend and hold DISTRICT harmless for any and all costs, claims and damages resulting from any such negligent performance. The foregoing duties are subject to the limitations of Idaho law, including Article VIII Section 4, Idaho Constitution and Idaho Code Title 6 Chapter 9 (the Idaho Tort Claims Act), and to any other limitations set forth in the Agreement.

i. Reimburse DISTRICT for any additional reasonable costs to DISTRICT over and above costs specifically enumerated herein, where such costs are attributable to the installations, adjustments, relocations and abandonments of the City Sewer Improvements or to the removal of any or all items from the CONTRACT that are associated with the installation of the City Sewer Improvements.

j. Indemnify, save harmless and defend regardless of outcome, DISTRICT from expenses and against suits, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees caused by or arising out of any negligent acts by BOISE or BOISE’S officers, employees, agents or contractors while acting within the course and scope of their employment, which arise from or which are in any way connected to the CITY Sewer Improvements. Such indemnification hereunder by BOISE shall in no event cause the liability of BOISE for any negligent act to exceed the amount of loss, damages, or expenses of attorney fees attributable to such negligent act, and shall not apply to loss, damages, expenses or attorney fees attributable to the negligence of DISTRICT. This duty to defend, indemnify and hold harmless is subject to the limitations of Idaho law, including Article VII Section 4, Idaho Constitution and Idaho Code Title 6 Chapter 9 (the Idaho Tort Claims Act), and to any other limitations set forth in the Agreement.
k. Work directly with the Contractor to resolve any claims relating in any way to the City Sewer Improvements; any and all such claims will be reviewed, approved or denied by BOISE and BOISE shall indemnify, save harmless and defend regardless of outcome, DISTRICT from expenses and against suits, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees caused by or arising out of any and all such claims regardless of the outcome of the City's efforts to resolve said claims with the Contractor.

3. THE PARTIES HERETO FURTHER AGREE THAT:

a. In accordance with Idaho Code § 67-2332, the purposes, powers, rights and objectives of each of the parties are as set forth in the Recitals above. Each of the Recitals above is incorporated into the body of this Agreement.

b. The amount to be reimbursed to DISTRICT by BOISE for BOISE'S portion of the Project shall be based on the actual quantities of work acceptably performed and/or installed, as determined from field measurements made by BOISE, and paid for pursuant to the unit, and or lump sum prices, established in the CONTRACT.

c. DISTRICT shall obtain BOISE 'S approval prior to commencement of any change order work involving the installations, adjustments, relocations and abandonments of City sewer facilities.

d. Prior to commencement of work by the Contractor, the parties will, together with the Contractor, inspect within the entire Project Boundaries for the purpose of reviewing the Project to locate any unstable areas and to resolve any items of concern or misunderstanding.

e. This Agreement may not be enlarged, modified, amended or altered except in writing signed by both of the parties hereto.

f. All signatories to this Agreement represent and warrant that they have the power to execute this Agreement and to bind the agency they represent to the terms of this Agreement.

g. Should either party to this Agreement be required to commence legal action against the other to enforce the terms and conditions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs incurred in said action.

h. Any action at law, suit in equity, arbitration or judicial proceeding for the enforcement of this Agreement shall be instituted only in the courts of the State of Idaho, County of Ada.

i. This Agreement shall be binding upon and inure to the benefit of the personal representatives, heirs and assigns of the respective parties hereto.

j. Nothing in this Agreement shall be construed to be an indebtedness or liability in violation of Article VIII, Section 3 of the Idaho Constitution.
k. The validity, meaning and effect of this Agreement shall be determined in accordance with the laws of the State of Idaho.

l. This Agreement and the exhibits hereto constitute the full and entire understanding and agreement between the parties with regard to the transaction contemplated herein, and no party shall be liable or bound to the other in any manner by any representations, warranties, covenants or agreements except as specifically set forth herein.

m. The promises, covenants, conditions and agreements herein contained shall be binding on each of the parties hereto and on all parties and all persons claiming under them or any of them; and the rights and obligations hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

n. If any part of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

o. The failure of a party to insist on the strict performance of any provision of this Agreement or to exercise any right or remedy upon a breach hereof shall not constitute a waiver of any provision of this Agreement or limit such party’s right to enforce any provision or exercise any right. No acknowledgments required hereunder, and no modification or waiver of any provision of this Agreement or consent to departure therefrom, shall be effective unless in writing and signed by DISTRICT and BOISE.

p. The headings used in this Agreement are used for convenience only and are not to be considered in construing or interpreting this Agreement.

q. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but both of which together shall constitute one and the same.

r. The parties hereto agree that nothing herein contained shall be construed to create a joint venture, partnership or other similar relationship which might subject any party to liability for the debts and/or obligations of the others, except as otherwise expressly agreed in this Agreement.

s. This Agreement is not intended to create, nor shall it in any way be interpreted or construed to create, any third-party beneficiary rights in any person not a party hereto.

t. All parties have been represented by legal counsel, and no party shall be deemed to be the drafter of this Agreement for purposes of interpreting an ambiguity against the drafter.

u. Time shall be of the essence for all events and obligations to be performed under this Agreement. Without limiting the foregoing, in the event that BOISE does not timely comply with any of its obligations hereunder, DISTRICT shall have no obligation
whatsoever to incorporate, facilitate, and/or complete the City Sewer Improvements, regardless of whether prior approval has been given by DISTRICT to BOISE.

IN WITNESS HEREOF, the parties hereto have executed this Agreement on the day and year herein first written.

<table>
<thead>
<tr>
<th>ATTEST:</th>
<th>ADA COUNTY HIGHWAY DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>By:</td>
<td>By:</td>
</tr>
<tr>
<td>Bruce Wong</td>
<td>Mary May</td>
</tr>
<tr>
<td>Director</td>
<td>President, Board of Commissioners</td>
</tr>
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<table>
<thead>
<tr>
<th>ATTEST:</th>
<th>CITY OF BOISE</th>
</tr>
</thead>
<tbody>
<tr>
<td>By:</td>
<td>By:</td>
</tr>
<tr>
<td>Lynda Lowry</td>
<td>Lauren McLean</td>
</tr>
<tr>
<td>Ex-Officio City Clerk</td>
<td>Mayor</td>
</tr>
</tbody>
</table>
On this __________ day of ____________________, 2020, before me, the undersigned, personally appeared MARY MAY and BRUCE WONG, President of the Board of Commissioners and Director respectively of the ADA COUNTY HIGHWAY DISTRICT, a body politic and corporate, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same for and on behalf of said body.

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

__________________________________________
Notary Public for Idaho
Residing at ______________________, Idaho
My commission expires:

On this __________ day of ____________________, 2020, before me, the undersigned, personally appeared LAUREN McLEAN and LYnda LOWRY, Mayor and Ex-Officio City Clerk respectively of the CITY OF BOISE, a municipal corporation, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same for and on behalf of said corporation.

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

__________________________________________
Notary Public for Idaho
Residing at ______________________, Idaho
My commission expires:
TO: Mayor and Council  
FROM: Jim Pardy, Public Works  
NUMBER: RES-345-20  
DATE: August 13, 2020  
SUBJECT: Barnwood Lift Station Easement

BACKGROUND:  
Easement for new permanent lift station called Barnwood Lift Station.

FINANCIAL IMPACT:  
There is no financial impact to the City.

ATTACHMENTS:  
- Challenger Lift Station Barnwood (PDF)
CITY OF BOISE

Resolution NO. RES-345-20

BY THE COUNCIL

BAGEANT, CLEGG, HALLYBURTON,
SANCHEZ, THOMSON AND
WOODINGS

A RESOLUTION APPROVING AN UTILITY EASEMENT AGREEMENT BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND CHALLENGER DEVELOPMENT, INC., FOR A UTILITY EASEMENT FOR BARNWOOD LIFT STATION, SDP-378; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Utility Easement Agreement, between the city of Boise City and Challenger Development, Inc., attached hereto and incorporated herein by reference, be, and the same is hereby, approved as to both form and content.

Section 2. That the Mayor and City Clerk be, and they hereby are, authorized to respectively execute and attest said Utility Easement Agreement for and on behalf of the city of Boise City.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.


APPROVED:

Lauren McLean, Mayor

ATTEST:

Lyndá Lowry, Ex-Officio City Clerk
UTILITY EASEMENT AGREEMENT

THIS PERMANENT UTILITY EASEMENT AGREEMENT (the “Easement Agreement”), is made this 22nd day of July 2020, by and between Challenger Development, Inc., an Idaho corporation (“Grantor”), having a current address of 1977 E. Overland Road, Meridian, Idaho 83642 and city of Boise City, an Idaho municipal corporation, by and through its Public Works Department (“Grantee”). The Grantor and Grantee may each be referred to separately as a “Party” and collectively as the “Parties.”

I. RECITALS

WHEREAS, Grantor is developing the project commonly known as Barnwood Subdivision No. 1 and Grantee needs to ensure access for its employees, vehicles, and equipment for installation, operation and maintenance of Grantee owned sewer utility pipelines, manholes, sewer lift stations, access roadways, and other equipment and structures (“Utility Facilities”); and

WHEREAS, Grantor, covenants and warrants that it is the owner in fee simple of certain real property located on a portion of Lot 5 of Section 6, Township 2 North, Range 2 East, in Ada County, Idaho, and more particularly described in Exhibit A and generally depicted on Exhibit B, both of which are attached hereto and incorporated herein by reference (the “Easement”); and

WHEREAS, Grantor acknowledges that it is fully authorized to execute this Easement Agreement and forever bind themselves, their successors and assigns and the subject Easement property to the terms set forth herein; and

WHEREAS, Grantor desires to convey this Easement to the Grantee for the purposes described herein; and

NOW, THEREFORE, in return for good and valuable consideration, including agreements set forth herein, the receipt and sufficiency of such consideration being hereby acknowledged, the Grantor does hereby grant, bargain, sell, convey and transfer said Easement to Grantee as outlined below:

II. AGREEMENT

A. Recitals Incorporated. The above Recitals are incorporated into this Easement Agreement.
B. **Grant of Easement.** Grantor does hereby grant, bargain, sell, convey and transfer unto Grantee, its successors and assigns, this permanent Easement and right-of-way for the purpose of locating, establishing, constructing, maintaining, repairing and operating underground Utility Facilities. It is expressly understood and agreed that the terms, covenants, and conditions of this Easement shall be and constitute a covenant running with the land and binding upon, and shall constitute an obligation on Grantor, its successors and assigns.

C. **Construction and Maintenance Rights.** The Easement also contains the right to excavate and refill ditches and trenches for the location of said Utility Facilities, the right to remove bushes, trees, undergrowth and other obstructions interfering with the location, construction, and maintenance of said Utility Facilities.

D. **Right of Ingress and Egress.** This Easement Agreement expressly conveys to Grantee the right of ingress and egress in, from, to, over and across the adjacent real property owned or controlled by Grantor and the Easement for the purpose of exercising and enjoying the rights granted herein, including but not limited to, inspecting, maintaining and repairing such Utility Facilities.

E. **Rights Reserved.** Grantor hereby conveys said Easement, rights, and rights-of-way to Grantee, its successors and assigns in perpetuity, except that Grantor reserves the right to occupy, use, and cultivate the surface of said Easement for all purposes not inconsistent with the rights herein granted. Notwithstanding, Grantor shall not interfere with Grantee’s use, access, or repair of said Easement. No building, tree or other permanent structure shall be constructed or otherwise placed in the area of or on top the Easement. Likewise, nothing shall be placed on the Easement by Grantor which would restrict or inhibit vehicular as to the Easement such as fences, gates, or barriers. In the event Grantor performs any construction, excavation or other improvements on the surface of said Easement, the Grantor will perform due diligence in protecting the Easement and Utility Facilities within the Easement.

F. **Restoration of Surface Area.** Upon completion of any construction or maintenance conducted by Grantee pursuant to this Easement, Grantee agrees and covenants to restore the subsurface and surface of the Easement herein conveyed, to a condition substantially similar to that which existed prior to the construction or maintenance by Grantee. Should Grantor complete any construction or maintenance to the surface of the Easement, Grantor shall restore the surface to a condition substantially similar to that which existed prior to the construction or maintenance by Grantor.

G. **Indemnification.** To the fullest extent permitted by law, each Party to this Easement Agreement agrees to indemnify, defend, and hold harmless the other from any and all liability for any injury, damage or claim suffered by any person or property to the extent caused by the indemnifying party or its employee or agents while performing under this Easement Agreement. Notwithstanding, anything herein to the contrary, nothing herein shall be construed as a waiver of Grantee’s protections afforded under the Idaho Tort Claims Act. Grantor shall be liable to Grantee and shall indemnify and hold harmless Grantee for any damage to the Utility Facilities or other personal property of Grantee caused by or resulting from Grantor’s actions.
H. Amendment in Writing. This Easement Agreement may be amended or terminated upon mutual written consent of the Parties. No amendment or termination of this Easement Agreement will be effective unless in writing and signed by authorized representatives of the Parties.

I. Authorized Persons. The Parties whose names appear below as Grantor, covenant and warrant that they are the fee title owners of the property to which this document applies, are fully authorized to execute this document and forever bind themselves, their successors and assigns, and the subject property to the terms set forth herein.

J. Governing Law. This Easement Agreement shall be governed by and construed in accordance with the laws of the State of Idaho.

END OF AGREEMENT
[SIGNATURES FOLLOW ON NEXT PAGE]

UTILITY EASEMENT AGREEMENT
For Challenger Development, Inc. (Grantor):

By: ____________________________ Date: ________________
Printed Name: Corey Barton

STATE OF IDAHO ( )
ss.
County of Ada ( )

On this 23rd day of July 2020, before me, the undersigned, a Notary in and for said State, personally appeared Corey Barton, known to me to be the President of Challenger Development, Inc., named in the foregoing instrument and acknowledged to me that he or she executed the same on behalf of Challenger Development, Inc., legal name of fee title property owner.

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

[Signature]
NOTARY PUBLIC for Idaho
Residing at Nampa, ID
My Commission Expires: 6-05-22

For the City (Grantee):

By: ____________________________ Date: ________________
Lauren McLean, Mayor

ATTEST: ____________________________
Lynda Lowry, Ex-Officio City Clerk

STATE OF IDAHO ( )
ss.
County of Ada ( )

On this __________ day of __________, 20__, before me, a notary public in and for said state, personally appeared Lauren McLean and Lynda Lowry, known or identified to me to be the Mayor and Ex-Officio City Clerk, respectively, who executed the within instrument and acknowledged to me that Boise City executed the same.

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

[Signature]
Notary Public for Idaho
Residing at: ________________
My Commission Expires: ________________

UTILITY EASEMENT AGREEMENT
EXHIBIT "A"

DESCRIPTION FOR
BARNWOOD SUBDIVISION NO. 1
BOISE CITY SANITARY SEWER EASEMENT

A portion of Government Lot 5 of Section 6, T.2N., R.2E., B.M., Boise, Ada County, Idaho more particularly described as follows:

Commencing at the NW corner of said Section 6 from which the W 1/4 corner of said Section 6 bears South 00°26'25" West, 2,648.21 feet;

thence South 15°17'22" East, 1,805.90 feet to a point on the South right-of-way line of W. Lake Hazel Road, point also being the REAL POINT OF BEGINNING;

thence along said South right-of-way line South 88°47'09" East, 304.09 feet;

thence leaving said South right-of-way line South 01°12'52" West, 72.14 feet;

thence South 59°17'52" West, 161.78 feet;

thence South 00°00'00" East, 38.85 feet;

thence South 71°09'07" West, 79.25 feet;

thence South 00°00'00" East, 235.20 feet;

thence South 74°43'52" West, 109.58 feet;

thence 61.21 feet along the arc of a non-tangent curve to the left, said curve having a radius of 73.50 feet, a central angle of 47°42'58" and a long chord which bears South 42°13'11" West, 59.46 feet;

thence North 74°43'52" West, 123.11 feet;

thence North 00°00'00" East, 274.69 feet;

thence South 88°56'28" West, 21.10 feet;

thence North 01°13'19" West, 174.27 feet;

thence North 11°20'09" West, 53.81 feet to the REAL POINT OF BEGINNING.

Page 1 of 1
B&A Engineers, Inc. is requesting approval of a Final Plat for a residential subdivision comprised of 1 common and 4 buildable lots on 1.22 acres located at 2023 S. Five Mile Rd. in an R-1B (Single Family Residential, Suburban) zone.

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<td>Conditions of Approval</td>
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<td>11</td>
<td>Agency Comments</td>
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</tbody>
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Summary
The Preliminary Plat for the Brahman Estates Subdivision (SUB19-00005) was approved by the Boise City Council on May 7, 2019 and included 1 common and 4 buildable lots. The applicant now requests approval of the Final Plat, which is in conformance with the design and layout of the approved Preliminary Plat.

Recommendation
Approval of the Brahman Estates Subdivision Final Plat, subject to the recommended conditions of approval.
Notes:

1. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN COMPLIANCE WITH PUB:019-0025 AND SUB:019-0005.

2. ALL REFERENCES TO HOMEOWNERS ASSOCIATION MEMBERSHIP HEREIN TO THE BRAHMAN ESTATES SUBDIVISION ASSOCIATION AND THE OWNERS OF THE LOTS, WITHIN SAID SUBDIVISION, GENERALLY.

3. ANY REUSE/REDEVELOPMENT OF THIS SITE SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE REUSE/REDEVELOPMENT.

4. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY.

5. NO ADDITIONAL DOMESTIC WATER SUPPLY SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPRROVED IN THE SANITARY RESTRICTION RELEASE.

6. Maximum building setbacks shall be in accordance with the city of Boise, applicable zoning and subdivision regulations, unless otherwise approved by the Ada County Health Department and recorded in the Ada County Recorder's Office.

7. THE PEDESTRIAN PATHWAY AND COMMON DRIVEWAY EASEMENTS SHALL BE DEDICATED TO THE PUBLIC FOR PEDESTRIAN USE AND ACCESS.

8. NO EASEMENT SHALL PRECLUDE THE CONSTRUCTION AND MAINTENANCE OF HARD-SURFACED DRIVEWAYS, LANSCAPED, PARKING, COVERED PARKING, OR OTHER IMPROVEMENTS.


10. THIS PROPERTY LIES WITHIN THE INCORPORATED LIMITS OF THE CITY OF BOISE AND WITHIN THE NAMPA MERIDIAN IRRIGATION DISTRICT. IN COMPLIANCE WITH THE DISCLOSURE REQUIREMENTS OF IDAPA CODE 17-38-9.03, IRRIGATION WATER IS NOT PROVIDED FOR BY THE OWNER AND THE LOTS SHOWN ON THIS PLAT SHALL BE SUBJECT TO ASSESSMENTS BY THE NAMPA MERIDIAN IRRIGATION DISTRICT.

11. THIS SUBDIVISION IS SUBJECT TO THE BRAHMAN ESTATES SUBDIVISION EASEMENT CONDITIONS AND RESTRICTIONS RECORDED AS INSTRUMENT NO. 2016-10369.

12. DIRECT LOT OR PARCEL ACCESS TO SOUTH FIVE MILE ROAD IS PROHIBITED.


Reference Documents:

- STONYFIELD FARM
- STONYFIELD FARM 3
- SOUTHPOINT NO. 3

BRAHMAN ESTATES SUBDIVISION SHEET 1 OF 4

B & A Engineers, Inc.
Brafford & Associates, Inc.
5831 West 45th Street
Boise, Idaho 83705
Phone: 208-343-3361
Fax: 208-343-5792
Web: http://www.baeengineers.com

Packet Pg. 138
Certificate of Owners

KNOW ALL MEN BY THESE PRESENTS: That the undersigned do hereby certify that it is the owner of a certain tract of land to be known as BRAHMAN ESTATES SUBDIVISION, and that it intends to indicate the following described land in this plat:

A parcel of land situated in the southeast quarter of the northeast quarter of Section 22, Township 6 North, Range 1 East, Boise Meridian, Boise City, Ada County, Idaho and being more particularly described as follows:

Commencing at the northeast corner of said Section 22, thence S90°11'35"E, 181.40 feet along the easterly boundary of said Section 22 to the extension of the boundary of Southport Subdivision No. 3, as shown on the official plat thereof or file in the office of the Ada County, Idaho, Recorder; thence S90°11'35"E, 40.50 feet along the extension of the boundary of said Southport Subdivision No. 3 to the westernly right-of-way of South Five Mile Road and to the Point of Beginning.

Thence S90°11'35"E, 181.40 feet along the westernly right-of-way of South Five Mile Road to the extension of the northerly boundary of Storylure Farm Subdivision, as shown on the official plat thereof or file in the office of the Ada County, Idaho, Recorder;

Thence S90°11'35"W, 208.58 feet along the extension of the northerly boundary of said Storylure Farm Subdivision and the northerly boundary of said Storylure Farm Subdivision to the northwest corner of said Storylure Farm No. 2 Subdivision, as shown on the official plat thereof or file in the office of the Ada County, Idaho, Recorder;

Thence N90°11'35"W, 191.40 feet along the easterly boundary of said Storylure Farm No. 2 Subdivision to the northeast corner of said Storylure Farm No. 2 Subdivision and to the boundary of said Southport Subdivision No. 3;

Thence N90°11'35"E, 259.58 feet along the boundary of said Southport Subdivision No. 3 to the Point of Beginning.

Comprising 1.22 acres, more or less.

The boundaries and limits described herein are hereby reserved for the use specifically described on the plat, and for any purposes designated herein, and all permanent structures are to be erected within the lines of said boundaries. The lots within this subdivision are entitled to receive water service from Susie Water; and Susie Water has agreed in writing to serve all of the lots within this subdivision.

IN WITNESS WHEREOF, I have hereunto set my hand.

Ryan Reza, Member
Reza & Sargent Investments, LLC

Acknowledgment

I hereby acknowledge receipt of this plat and agree to abide by the terms and conditions thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this day of __________, in the year of 2020, before me the undersigned, a Notary Public in and for said state, personally appeared Ryan Reza, known and identified to me to be a member of Reza & Sargent Investments, LLC, for the purpose of subscribing to this acknowledgment on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

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

Notary Public for Idaho
Reading in
My Commission Expires

Certificate of Surveyor

I, Joseph C. Canning, do hereby certify that I am a professional land surveyor, licensed by the State of Idaho, and that this plat of BRAHMAN ESTATES SUBDIVISION, as described in the Certificate of Owners and as shown on the attached plat, was drawn from an actual survey made on the ground with chains, rods and levels and is true and accurate to the best of my knowledge and belief. Each corner of the plat is marked with a metal survey marker and each boundary or line is marked by a metal survey marker and a survey flag. The plat is intended to show the location of the exhibits therein, and in conformity with the State of Idaho Code relating to plats and surveys.

Joseph C. Canning, L.S. No. 4110

Approval of Central District Health

Sanitary restrictions as required by Idaho Code, Title 59, Chapter 13 have been satisfied according to the letter to be read on file with the County Recorder or his agent listing the conditions of approval. Sanitary restrictions may be increased, in accordance with Section 59-1328, Idaho Code, by the issuance of a certificate of disapproval.

Central District Health, EHS

Approval of Ada County Highway District

The foregoing plat was accepted and approved by the Board of Ada County Highway District Commissioners on the ______ day of __________, 2020.

Commission President
Ada County Highway District

Approval of City Engineer

I, the undersigned, City Engineer, in and for the City of Meridian, Ada County, Idaho, do hereby approve this plat:

Meridian City Engineer

Approval of City Council

I, the undersigned, City Clerk in and for the City of Meridian, Ada County, Idaho, do hereby certify that at a regular meeting of the City Council held on the ______ day of __________, this plat was duly adopted and approved.

City Clerk

Certificate of County Surveyor

I, the undersigned, Professional Land Surveyor, in and for Ada County, Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to plats and surveys.

Ada County Surveyor

Certificate of County Treasurer

I, the undersigned, County Treasurer in and for the County of Ada, State of Idaho, do hereby certify that any and all current and/or delinquent county property taxes for the property included in the proposed subdivision have been paid in full. This certificate is valid for the next thirty (30) days only.

Ada County Treasurer

Certificate of County Recorder

I, the undersigned, County Recorder in and for the County of Ada, State of Idaho, do hereby certify that this instrument was filed at the request of ______, in the office of County Recorder, ______, Ada County, Idaho, this ______ day of __________, ______, m. this ______ day of __________, ______, in my office, and was recorded in Book ______, Pages ______, and ______, in my office, and was recorded in Book ______, Pages ______, in my office, and was recorded in Book ______, Pages ______.

County Recorder

B & A Engineers, Inc.
Consulting Engineers, Surveyors & Planners
5025 West Franklin Road, Boise, Idaho 83705
Voice: 208.343.3381 Fax: 208.343.6792
Web: http://www.bnafirm.com

Brahman Estates Subdivision
Applicant's Statement

23 June 2020

Project and General Site Information

<table>
<thead>
<tr>
<th>Subdivision Name:</th>
<th>Brahman Estates</th>
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<tbody>
<tr>
<td>General Location:</td>
<td>Westside of South Five Mile Road, South of Overland Road, East End of Stonyfield Place</td>
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<tr>
<td>Address:</td>
<td>2023 South Five Mile Road</td>
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<td>Tax Parcel Number:</td>
<td>S1122142210</td>
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<td>Legal Description:</td>
<td>Situate in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 1 East, Boise City, Ada County, Idaho</td>
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<td>Home and Outbuildings</td>
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Variances Requested via PUD Process:

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<th>Item</th>
<th>Code</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Frontage</td>
<td>30 Feet</td>
<td>5 Feet (on Common Drive)</td>
</tr>
<tr>
<td>Front Yard (Living Space)</td>
<td>20 Feet</td>
<td>15 Feet</td>
</tr>
<tr>
<td>Side Yard (Interior)</td>
<td>10 Feet</td>
<td>5 Feet</td>
</tr>
<tr>
<td>Lot Width</td>
<td>75 Feet</td>
<td>50 Feet</td>
</tr>
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Zone Standards Held:

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<tr>
<th>Item</th>
<th>Code</th>
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<tr>
<td>Density</td>
<td>4.8 Dwelling Units / Acre</td>
</tr>
<tr>
<td>Lot Area</td>
<td>9,000 Square Feet</td>
</tr>
<tr>
<td>Building Height</td>
<td>35 Feet</td>
</tr>
<tr>
<td>Side Yard (Perimeter)</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Front Yard (Garage)</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Rear Year</td>
<td>30 Feet</td>
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</tbody>
</table>

**Brief Project Description**

We are pleased to able to bring a small new single-family home housing project to Boise. The demand for homes in Boise is great. We look forward to providing a small contribution to that demand in an area that is reasonably close to center Boise and existing transit corridors.

The land around the site is fully developed:

- North: Common landscape lot for K-Bar-T Drive and Southpoint No. 3 Subdivision
- East: Five Mile Road and Countryman Estates No. 1 Subdivision
- South: Un-platted Residential and Stonyfield Farm Subdivision
- West: Stonyfield Farm No. 2 Subdivision

Developing this site as single-family residential matches the existing pattern in the area.

**Waiver Requests**

See PUD19-00003

**Summary**

We believe Brahman Estates is a density appropriate, quality addition to the city of Boise. This project will help provide much needed housing opportunities for the many new and existing residents in Boise.

We look forward to successfully completing this subdivision and helping fill some of the strong demand for new homes in Boise.
# Property Information

**Address**

- **Street Number:** 2023  
- **Prefix:** S  
- **Street Name:** FIVE MILE RD  
- **Subdivision name:** SE4NE4  
- **Block:** 0  
- **Lot:** 0  
- **Section:** 22  
- **Township:** 3  
- **Range:** 1  
- **Zoning:** R-1B

**Parcel Number:** S1122142210  
**Additional Parcel Numbers:**

---

**Primary Contact**

- **Who is responsible for receiving e-mail, uploading files and communicating with Boise City?**
  - [ ] Agent/Representative  
  - [ ] Applicant  
  - [ ] Owner

**Applicant Information**

- **First Name:** Kaili  
- **Last Name:** Worth  
- **Company:** B&A Engineers, Inc.

<table>
<thead>
<tr>
<th><strong>Address:</strong></th>
<th><strong>City:</strong></th>
<th><strong>State:</strong></th>
<th><strong>Zip:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>5505 W. Franklin Rd.</td>
<td>Boise</td>
<td>ID</td>
<td>83705</td>
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<table>
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<tr>
<th><strong>E-mail:</strong></th>
<th><strong>Phone Number:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:kaworth@baengineering.com">kaworth@baengineering.com</a></td>
<td>(208) 343-3381</td>
</tr>
</tbody>
</table>

**Agent/Representative Information**

- **Role Type:** [ ] Architect  
- [ ] Land Developer  
- [ ] Engineer  
- [ ] Contractor  
- [ ] Other

<table>
<thead>
<tr>
<th><strong>First Name:</strong></th>
<th><strong>Last Name:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Joe</td>
<td>Canning</td>
</tr>
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<thead>
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<td>ID</td>
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<tr>
<th><strong>E-mail:</strong></th>
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</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:jdcanning@baengineering.com">jdcanning@baengineering.com</a></td>
<td>(208) 343-3381</td>
</tr>
</tbody>
</table>

**Owner Information**

- **Same as Applicant?** [ ] No  
  [ ] Yes  
  *(If yes, leave this section blank)*

<table>
<thead>
<tr>
<th><strong>First Name:</strong></th>
<th><strong>Last Name:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ryan</td>
<td>Recla</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Company:</strong></th>
<th><strong>Address:</strong></th>
<th><strong>City:</strong></th>
<th><strong>State:</strong></th>
<th><strong>Zip:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Recla &amp; Sargent Investments, LLC</td>
<td>914 S. McDermott Rd.</td>
<td>Nampa</td>
<td>ID</td>
<td>83687</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>E-mail:</strong></th>
<th><strong>Phone Number:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>limborecla@nestscapenet</td>
<td>(208) 914-6074</td>
</tr>
</tbody>
</table>
2. Proposed Subdivision/Condominium Name:

Brahman Estates Subdivision

Note: Must be approved by the Ada County Surveyor.

3. Cross Reference Files:

Please list all previously approved or currently associated file(s):

PUD19-00003, SUB19-00005, CAR19-00002, ESC20-00878, GRD20-00043

4. Subdivision/Condominium Features:

Number of buildable lots/units: 4
Buildable lots/units per acre: 3.28
Number of common lots/units: 1
Zoning Classification: R-1B
Total acres in subdivision: 1.22

5. Building Program:

Number of Existing Buildings: 2
Number of Existing Buildings to Remain: 2

Type of Existing Buildings: Residential, Commercial, Industrial, Mixed Use

If Residential What Type? Single Family, Townhouse, Duplex, Multi-Family

Type of Proposed Buildings: Residential, Commercial, Industrial, Mixed Use

If Residential What Type? Single Family, Townhouse, Duplex, Multi-Family

6. Waivers or Modifications:

Are any waivers/modifications being requested from the Subdivision Ordinance? Yes or No

If yes, please include a detailed explanation in your letter. An additional waiver/modification review fee must be paid at the time of submittal.

7. Private Streets:

Are private streets proposed? Yes or No

If yes, please provide justification in the letter of explanation. An additional private street review fee must be paid at the time of submittal.
8. Public Streets:
   Number of new public streets proposed: 

9. Floodways & Hillsides:
   Is any portion of this property located in a Floodway or a 100-year Floodplain? 
   ○ Yes  ○ No
   Does any portion of this parcel have slopes in excess of 15%? 
   ○ Yes  ○ No

   Note: If the answer to either of the above is yes, you will be required to submit an additional #112 Floodplain and/or #114 Hillside application and additional fee.

11. Airport Influence Area:
   Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)
   ○ No  ○ Area A  ○ Area B  ○ Area B1  ○ Area C

The undersigned declares that the above provided information is true and accurate.
The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature: 

Date: 

Conditions of Approval

Site Specific

1. Compliance with the plans and specifications submitted to and on file in the Planning and Development Services Department date received January 28, 2019, and revised preliminary plat submitted March 4, 2019, except as expressly modified by the following conditions:

2. Interior side yard setbacks shall be 5' for buildings and parking and reduced lot widths shall be 50'.

3. The existing accesses off Five Mile Rd. shall be removed, and new curb, gutter, and sidewalk shall be installed in the previous driveway approaches.

4. The accessory structures shall be removed or relocated to comply with setbacks prior to issuance of building permits.

Agency Requirements

5. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:

   a. Ada County Highway District (February 25, 2019);
   b. Nampa & Meridian Irrigation District (February 19, 2019 & July 17, 2020);

6. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:

   a. Drainage (August 3, 2020);
   b. Sewer (January 31, 2019);
   c. Sewer Fees (July 10, 2020);
   d. Sewer Irrigation (July 7, 2020);
   e. Solid Waste (January 31, 2019 & July 14, 2020);

   Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

7. The applicant shall comply with all requirements of the Boise City Building Department comments received February 1, 2019 & July 9, 2020.

8. The applicant shall comply with all requirements of the Boise Fire Department comments received February 26, 2019. Any deviation from this plan is subject to Fire
Department approval. For additional information, contact Ron Johnson at 208-570-6500.

**Subdivision:**

9. The following notes shall be placed on the face of the Final Plat stating:

   a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD19-00003 and SUB19-00005.

   b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD19-00003, at the time of issuance of individual building permits.

   c. This development is subject to the Covenants, Conditions, and Restrictions (CC&R's) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.

   d. The pedestrian pathway and common driveway easements shall be dedicated to the public for pedestrian use and access.

10. The Mylar shall include the following endorsements or certifications (I.C. Title 50, Chapter 13). These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

11. The name, **Brahman Estates Subdivision**, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Engineer, the new name to the Planning and Development Services Department and re-approval by the Council of the "Revised" Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "Revised" Final Plat for public hearing.
12. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (B.C.C. 11-09-03.4E).

13. A letter of acceptance for water service from the utility providing same is required (B.C.C. 11-09-04.3).

14. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).

15. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

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

16. A letter from the appropriate school district is required stating, "The Developer has made arrangements to comply with all requirements of the School District."

17. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

   a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied, OR
   b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

   NOTE: "No Parking" signs shall be installed in accordance with the requirements of the International Fire Code (BCC 7-0-32, IFC 503.8). Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

18. Covenants, homeowners’ association by-laws or other similar deed restrictions, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces, shall be reviewed and approved by the Boise City Attorney. After recordation of the Final Plat and CC&R’s, no building permit shall be accepted until a copy of the recorded CC&R’s has been submitted to the Boise City Attorney. The CC&R’s shall include the following:

   a. Landscaping within the 30’ wide landscape buffer along Five Mile Rd. shall be maintained by the Homeowners Association.
b. Perimeter fencing shall be maintained by the Homeowners Association.

19. Prior to the City Engineer’s Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of the Boise City Code, is to be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

20. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

21. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:
   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District.

22. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.
   a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.
   b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.
   c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.

23. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a “Satisfaction of Non-Building Agreement” is recorded.
24. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City. Contact Erosion Control at 208-608-7100 for more information.

**Standard Conditions of Approval**

25. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

26. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

27. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

28. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

29. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

30. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

31. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5’ to 6’ in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

32. Utility services shall be installed underground.

33. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.
34. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.

35. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

36. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.

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

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

39. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

40. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

41. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
February 25, 2019

To: Joe Canning, via email  
B & A Engineers, Inc.  
5505 W. Franklin Road  
Boise, ID 83705  

Subject: BPP19-0002/ SUB19-00005/ PUD19-00003/ CAR19-00002  
2023 S. Five Mile Road  
Brahman Estates 4 Residential Lots/ Planned Unit Development/  
Rezone from A-1 (Open Land) to R-1B (Single Family Residential)

In response to your request for comment, the Ada County Highway District has reviewed the submitted application and site plan for the item referenced above. It has been determined that ACHD has site specific conditions of approval for this application.

A. Findings of Fact  
1. Five Mile Road  
   a. Existing Conditions: Five Mile Road is improved with 5-lanes, vertical curb, gutter and sidewalk abutting the site. There is 80-feet of right-of-way for Five Mile Road (40-feet from centerline).  
      There is an existing circular drive on Five Mile Road that provides access to the existing residential home.  
   b. Policy:  
      Arterial Roadway Policy: District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.  
      Master Street Map and Typology Policy: District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.  
      Sidewalk Policy: District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all arterial streets. A roadway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District’s planter width policy if trees are to be placed within the roadway strip.  
      Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.  
      A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk.  

Ada County Highway District • 3775 Adams Street • Garden City, ID • 83714 • PH 208-387-6100 • FX 345-7650 • www.achdidaho.org
Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Five Mile Road is designated in the MSM as a Residential Arterial with 5-lanes and on-street bike lanes, and a 72-foot street section.

c. **Applicant’s Proposal:** The applicant is proposing to close the existing circular driveway approaches on Five Mile Road with curb, gutter and sidewalk.

d. **Staff Comments/Recommendations:** Five Mile Road is fully improved abutting the site. Therefore, no additional right-of-way is required with this application.

The applicant should close the existing circular driveway approaches with vertical curb, gutter and 7-foot wide sidewalk. Provide a permanent right-of-way easement to 2-feet behind back of sidewalk for any sidewalk placed outside of the dedicated right-of-way.

The applicant should be required to repair or replace any damaged or deficient facilities, including curb, gutter and sidewalk on Five Mile Road abutting the site.

2. **Stoneyfield Place**

a. **Existing Conditions:** Stonyfield Place is improved with 2-travel lanes, 25-feet of pavement, curb, gutter and 5-foot wide sidewalk, and terminates into a cul-de-sac abutting the site. Stonyfield Place is signed for “No Parking” on the north side of the street west of the site due to the reduced width of the street. There is 42-feet to 100-feet of right-of-way for Stonyfield Place (20-feet to 53-feet from centerline).

b. **Policy:**

   **Local Roadway Policy:** District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

   **Driveway Location Policy:** District policy 7207.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector or arterial street intersection.

   **Successive Driveways:** District Policy 7207.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

   **Driveway Width Policy:** District policy 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.

   **Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway.
accordance with District policy, 7207.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of the roadway.

c. Applicant’s Proposal: The applicant is proposing to construct a 20-foot wide driveway on Stonyfield Place located at the southwest property line.

d. Staff Comments/Recommendations: Stonyfield Place is fully improved abutting the site. Therefore, no additional right-of-way or street improvements are required as part of this application.

The applicant’s proposal to construct a 20-foot wide driveway on Stonyfield Place meets District policy and should be approved. Pave the driveway its full width and at least 30-feet into the site beyond the edge of Stonyfield Place.

The applicant should be required to repair or replace any damaged or deficient facilities, including curb, gutter and sidewalk on Stonyfield Place abutting the site.

3. Other Access
Five Mile Road is classified as a minor arterial roadway. Direct lot access is prohibited to this roadway and should be noted on the final plat.

B. Site Specific Conditions of Approval
1. Close the existing circular driveway on Five Mile Road with vertical curb, gutter and 7-foot wide sidewalk. Provide a permanent right-of-way easement to 2-feet behind back of sidewalk for any sidewalk placed outside of the dedicated right-of-way.

2. Construct a 20-foot wide driveway on Stonyfield Place located at the southwest property line. Pave the driveway its full width and at least 30-feet into the site beyond the edge of Stonyfield Place.

3. Consistent with District Minor Improvements policy, repair or replace any damaged or deficient facilities, including curb, gutter and sidewalk on Five Mile Road and Stonyfield Place abutting the site.

4. Direct lot access onto Five Mile Road is prohibited and shall be noted on the final plat.

5. A Traffic Impact Fee will be assessed by ACHD and will be due prior to issuance of a building permit. Please contact the ACHD Planner (see below) for information regarding impact fees.

6. Plans shall be submitted to the ACHD Development Services Department for plans acceptance, and impact fee assessment (if an assessment is applicable).

7. Comply with the Standard Conditions of Approval as noted below.

C. Traffic Information
Trip Generation
This development is estimated to generate 28 additional vehicle trips per day (9 existing); and 3 additional vehicle trips per hour in the PM peak hour (1 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 10th edition.

Condition of Area Roadways: Traffic Count is based on Vehicles per hour (VPH)

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>PM Peak Hour Traffic Count</th>
<th>PM Peak Hour Level of Service</th>
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<tbody>
<tr>
<td>Five Mile Road</td>
<td>181-feet</td>
<td>Minor Arterial</td>
<td>942</td>
<td>Better than “E”</td>
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</tbody>
</table>
* Acceptable level of service for a five-lane minor arterial is “E” (1,540 VPH).

**Average Daily Traffic Count (VDT):** *Average daily traffic counts are based on ACHD’s most current traffic counts*
- The average daily traffic count for Five Mile Road north of Victory Road was 17,965 on June 6, 2018.
- There are no current traffic counts for Stonyfield Place.

**D. Attachments**
1. Vicinity Map
2. Site Plan
3. Standard Conditions of Approval
4. Appeal Guidelines
If you have any questions, please feel free to contact me at (208) 387-6218.

Sincerely,

Dawn Battles
Planner
Development Services

cc: City of Boise (Nicolette Womack), via email
    Hopkins Elder LLC (Randy Hopkins), via email
Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).

2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.

3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant’s engineer should provide documentation of ADA compliance to District Development Review staff for review.

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

5. A license agreement and compliance with the District’s Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.

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

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

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

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

10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.

11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant’s authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.
Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

   a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

   b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

   c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

   d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager’s reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

   e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.
February 26, 2019

Nicolette Womack
PDS – Current Planning

Re: PUD19-00003

Dear Nicolette,

This is a request for a Planned Unit Development at 2023 S. Five Mile RD.

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

Comments:
1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C102.1 (IFC 507.3, IFC B105.2, IFC C105). An additional fire hydrant is required.
2. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
3. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. (IFC D102.1)
4. A monument sign indicating the address range of homes served from the common driveway shall be posted at the intersection of South Stonyfield Place and the common driveway.

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

Regards,

Ron L. Johnson
Division Chief – Assistant Fire Marshal
Boise Fire Department
January 26, 2019

Nicolette Womack
PDS – Current Planning

Re: SUB19-00005

Dear Nicolette,

This is a request for a subdivision with 4 buildable lots and one common lot at 2023 S. Five Mile RD.

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

Comments:
1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C102.1 (IFC 507.3, IFC B105.2, IFC C105). An additional fire hydrant is required.
2. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
3. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. (IFC D102.1)
4. A monument sign indicating the address range of homes served from the common driveway shall be posted at the intersection of South Stonyfield Place and the common driveway.

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

Regards,

Ron L. Johnson
Division Chief – Assistant Fire Marshal
Boise Fire Department
RE: PUD-00003 & CAR19-00002/ Brahman Estates Sub; 2023 S. Five Mile Road

Dear Planning & Development:

Nampa & Meridian Irrigation District (NMID) requires a filed Land Use Change Application to review prior to final platting. Please contact Elke Adams (208) 466-7861, at 1503 First Street S. Nampa, ID, for further information.

Please be advised NMID has a four-inch (4") PVC mainline that courses along the west boundary along with a ¾" service valve in the northwest corner of this proposed project. All private laterals and waste ways must be protected.

All municipal surface drainage must be retained on site. If any municipal surface drainage leaves the site, the NMID must review drainage plans. Developer must comply with Idaho Code 31-3805

Sincerely,

David T. Duvall
Crew Foreman
Nampa & Meridian Irrigation District

Cc: Office/ file
14 February 2019

Joe Canning
B & A Engineers, Inc.
5505 W. Franklin Rd.
Boise, ID 83705

RE: Land Use Change Application – Property at 2023 S. Five Mile Road
Please note the District now requires three (3) sets of plans

Dear Mr. Canning:

Enclosed please find a Land Use Change Application for your use to file with the Irrigation District for its review on the above-referenced development. If this development is under a "rush" to be finalized, I would recommend that you submit a cashier's check, money order or cash as payment of the fees in order to speed the process up. If you submit a company or personal check, it must clear the bank before processing the application.

Should this development be planning a pressurized urban irrigation system that will be owned, operated and maintained by the Irrigation District, I strongly urge you to coordinate with Greg G. Curtis, Water Superintendent for the Irrigation District, concerning the installation of the pressure system. Enclosed is a questionnaire that you must fill out and return in order to initiate the process of contractual agreements between the owner or developer and the Irrigation District for the ownership, operation and maintenance of the pressure urban irrigation system.

If you have any questions concerning this matter, please feel free to call on me at the District's office, or Greg G. Curtis, at the District's shop.

Sincerely,

Elke Adams, Asst. Secretary/Treasurer
NAMPA & MERIDIAN IRRIGATION DISTRICT

EA/cmg

cc: File
    Water Superintendent
    Boise City Planning & Development Services P.O. Box 500 Boise, ID 83701
    Randy Hopkins, Hopkins Elder LLC P.O. Box 670 Meridian, ID 83680

enc.
July 14, 2020

Planning & Development Services
Boise City
P.O. Box 500
Boise, ID 83701

RE: SUB20-00029/ 2023 S Five Mile Road

Dear Planning & Development:

Nampa & Meridian Irrigation District (NMID) has already reviewed and approved this project; plans dated 6/5/2020 and revised page C-3.0 dated 6/30/2020. Any changes, other than those that were approved, will need to be reviewed by NMID to see any impact they may have on our facilities.

If any surface drainage leaves the site, NMID requires a filed Land Use Change Application for review prior to final platting. Please contact Elke Adams at (208) 466-7861, or 1503 First St. S. Nampa, ID 83651, for further information.

All private laterals and waste ways must be protected. It is recommended that irrigation water be available to all developments within the NMID. Developers must comply with Idaho Code 31-3803.

Please call with any further questions at (208) 466-0663.

Sincerely,

David T. Duvall
Asst. Water Superintendent
Nampa & Meridian Irrigation District

Cc: Office/ File
July 9, 2020

PDS Building Department Plan Review:

The subdivision Final plat SUB20-00029 has been reviewed and the existing structures on the property appear to be in non-compliance with proper required distance from the proposed property lines, thus a demolition permit or a permit to move structures must be applied for prior to any signoff from the building plan review division.

Jenny Nelson
Plans Examiner II
Planning and Development Services
Office: (208)608-7109
jjnelson@cityofboise.org

CITYOFBOISE.ORG   Making Boise the most livable city in the country.
February 1, 2019

PDS Building Department Plan Review:

The subdivision preliminary plat SUB19-00005 has been reviewed and existing structures on the property appear to be in non-compliance with proper required distance from the proposed property lines, thus a demolition permit or a permit to move structures must be applied for prior to any signoff from the building plan review division.

Jenny Nelson
Plans Examiner I
Planning and Development Services
Office: (208)608-7109
jjnelson@cityofboise.org

Making Boise the most livable city in the country.
To: Planning and Development Services
From: Jason Taylor, P.E., C.F.M.
Assistant City Engineer
Public Works Engineering

Subject: SUB 20-00029 | Brahman Estates Subdivision
2023 S Five Mile Rd
Grading & Drainage, Hillside, & Misc. Engineering Comments

1. STANDARD GRADING AND DRAINAGE CONDITIONS

1) Subdivision drainage shall be in accordance to B.C.C. 11-09-04-05. The developer shall submit a letter from the appropriate drainage entity approving the drainage system or accepting the drainage there from. A copy of the construction drawing(s) depicting all site drainage improvements shall be submitted with the letter.

   a. Developer may either construct improvement prior to final platting or post bond in the amount of 110% of the estimated construction costs. Estimated construction costs shall be provided by the developer's engineer.

   b. For drainage facilities located outside of the public right-of-way, the developer shall dedicate a storm drainage easement. Said easement shall be labeled as either an Ada County Highway District storm drainage easement or a homeowners’ association storm drainage easement, depending on what entity will assume responsibility for the operation and maintenance of the storm drainage system.

   c. If the homeowners’ association is to be responsible for the operation and maintenance of the storm drainage facilities, the covenants,
homeowners’ association by-laws or other similar deed restrictions shall be reviewed and approved by the Boise City Attorney.

2) If fills greater than one foot in depth are to be placed in subdivision lots inside of building envelopes, as defined by the applicable subdivision building setbacks, the Developer shall obtain a grading permit from the Boise City Building Department (Rough Grading Permit). Grading permit must be acquired prior to the start of construction or final plat signature by the Boise City Engineer, whichever comes first.

Special Conditions:

2. EROSION CONTROL CONDITIONS

1) Subdivision work shall be in accordance to B.C.C. 08-17 Construction site Erosion Control Ordinance. The developer shall obtain an Erosion Control Permit from the Boise City Building Department. The Erosion Control Permit must be acquired prior to the start of construction.

2) This project will require an Erosion Control Plan (ECP) or Stormwater Pollution Prevention Plan (SWPPP) to be submitted with the permit application. The plan must bear the signature and certification number of an individual who has successfully complete a Boise City approved training course.

Special Conditions:

3. STANDARD HILLSIDE CONDITIONS

4. MISC. ENGINEERING CONDITIONS

1) None

5. PRIVATE STREET CONDITIONS

1) The following private street requirements must be met in an acceptable format:

   a. Convey to those lot owners taking access from the private street, the perpetual right of ingress and egress over the described private street, and

   b. Provide that such perpetual easement shall run with the land, and

   c. Provide each lot owner taking access from the private street, undivided interest within the private street.
2) A restrictive covenant for maintenance and reconstruction shall be recorded at the time of recording the plat which covenant, (a) creates the formation of a homeowners association for the perpetual requirement for the maintenance/reconstruction of the private street, and private street signs and (b) provides that said covenant shall run with the land, and (c) provides that the homeowners association shall not be dissolved without the express consent of Boise City.

3) Said easement and covenant to be reviewed and approved by the Boise City Attorney (B.C.C. 9-20-7.E.2.q & 9-20-7.E.2.r).

4) Private street widths shall be in conformance with B.C.C. 11-09-03.5, or as allowed via B.C.C. 11-09-05. All private streets, base and pavement, shall be constructed to the same construction specifications required for public streets. Contact the Ada County Highway District (ACHD) for public street construction requirements (B.C.C. 11-09-03.5.B.).

   a. Certification of construction to ACHD specifications is required from an independent testing laboratory or a consulting engineer, including test results for the verification of construction (B.C.C. 11-09-03.5.B.(2)(e)).

      i. If it is an existing private street, verification of acceptable construction of the existing private street, including acceptability for use of emergency vehicles (including fire trucks and ambulances), is required from an independent testing laboratory or a registered Professional Engineer.

   b. Sidewalks are required on both sides of the private street (or in compliance with the sidewalk plan approved with the conditional use) unless specifically waived by the Boise City Council.

   c. Private street signs shall be installed in the same manner as public street signs (see requirements of ACHD).

   d. The developer shall pay the current drainage review and inspection fees on the proposed subdivision (B.C.C. 11-03-03.3.B.).

   e. Drainage facilities for the private street shall comply with Boise City’s Storm Water Management and Discharge Control Ordinance (B.C.C. 8-15). Plans shall be approved and construction inspected by Boise City Public Works.

      i. Developer and/or owner may either construct prior to final platting or post bond/agreement in the amount of 110% of the estimated costs, including certification (B.C.C. 11-09-04.2., Filing of Plans and Bonding Surety).
Special Conditions:

If you have any further questions, please contact Public Works 208-608-7150

\Boise\pw\Common\PWA\Subjects\Review Comments\Subdivision Comments\Temp (uploaded comments)\Drainage Hillside Eng comments\MMJ-Grading, Drainage, Hillside & Misc Sub Comment - Purshia.docx
Date: January 31, 2019

To: Planning and Development Services

From: Mike Sheppard P.E., Civil Engineer II
Public Works Department

Subject: CAR19-00002; 2023 S. Five Mile Road; Sewer Comments

Upon development of the property, connection to central sanitary sewer is required. Sewers are available in S. Five Mile and S. Stonyfield Place.

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

If you have any further questions, please contact Mike Sheppard at 608-7504.
BOISE PUBLIC WORKS DEPARTMENT
SUBDIVISION EQUIVALENT ASSESSMENT - 8" EQUIVALENCY FORM

For More Information Contact: Rita DeYoung 208-608-7443
2nd Floor, City Hall #2, 150 N. Capitol Blvd

SEWER PERMIT #
SWR20-00672

SUBDIVISION NAME
BRAHMAN ESTATES SUBDIVISION

Date: 10-Jul-20
Contact Person: Company:
Telephone #:

SUBDIVISION ACREAGE 1.223
IS SUBDIVISION 2 ACRES OR LESS? Y IF YES, SEE ASSESSMENT CHART

Street # 1: If area calculated by Design, insert in Total Street #1 cell below
Frontage
Depth
Total Area Street #1 - sq. feet

Street # 2
Frontage: 0.00
Depth: 125.00
Total Area Street #2 - sq. feet

SUBTOTAL ALL AREA: -

LESS previously Paid Area: - sq ft (see below)

Net Area for Calc: - Rate Per Sq. Foot: $0.33
Assessment Cost: $6,452.00 # and Sizes of Service Lines Charged

Service Line Cost: $965

SEWER ASSESSMENT $7,417
CONNECTION FEES: $3,575
TOTAL SUBDIVISION FEES: $10,992

CALCULATION FOR ASSESSMENT CREDIT:
Address for existing structure fees previously paid:
No existing structures on plans

Date Fees Paid:
Amount of Assessment Paid:
Service Line Cost:
Assmt Cost at Date Pd

Sq. Feet Previously Paid: -

EXISTING STRUCTURE FEES:
Address(es) for existing structure fees due:
2023 S FIVE MILE RD

Treatment Capacity: $2,035.00
Trunkline Capacity: $1,540.00
Interceptor: $0.00

Total fees for Existing Structure: $3,575.00

CITY OF BOISE

INTER-DEPARTMENT
CORRESPONDENCE

Date: July 7, 2020

To: Planning and Development Services

From: Mike Sheppard, P.E., Civil Engineer II
Public Works Department

Subject: SUB20-00029; 2023 S Five Mile Rd.; Sewer Irrigation Sub Comments

1. STANDARD IRRIGATION CONDITIONS

a. Comply with B.C.C. 11-09-04.11 concerning pressure irrigation requirements prior to signing of the final plat by the Boise City Engineer.
   1. The owner, person, firm or corporation filing the subdivision plat shall provide a pressurized irrigation system. The system must conform to the minimum design standards and specifications of Boise City, or of the entity that will operate and maintain the system, if that entity has published standards; or
   2. The owner, person, firm or corporation filing the subdivision plat shall provide written documentation that a valid waiver of the requirement to provide a pressure irrigation system and that Idaho Code 31-3805(1)(a) regarding transfer of water rights, has been complied with.

b. Prior to either commencing construction or signing of the final plat by the Boise City Engineer, developer shall:
   1. Submit for approval by the Department of Public Works, construction plans and specifications for the pressurized system, stamped by a registered engineer.
   2. Provide written assurance that provisions have been made for ownership, operation, and maintenance of the system.
   3. Delineate all necessary irrigation easements on the final plat (B.C.C. 11-09-03.6).

c. Developer shall provide for an independent inspection of the installation of irrigation facilities and written certification by the design or project engineer that the system was installed according to the approved plans. In addition, the Department of Public Works must be present for the system pressure test and participate in a final inspection.

d. Developer may construct prior to final platting or bond in the amount of 110% of the estimated construction costs based on the approved plans.
2. **STANDARD SEWER CONDITIONS**

**City Subdivision Conditions**

a. Wetline sewers are required (B.C.C. 11-09-04.4., *Required Improvements; Sanitary Sewer*).

1. Plans shall be submitted to and approved by the Boise City Department of Public Works prior to commencing with construction. Developer and/or owner may either construct improvements prior to final platting or execute a performance agreement and provide surety in the amount of 110% of the estimated costs. The developer and/or owner shall coordinate with the Department of Public Works for construction inspection prior to and during construction. Unless otherwise approved by the Public Works Department, all sewer construction shall be completed and accepted within 90 days of plat recordation, or within 30 days of issuance of the first building permit within the subdivision, whichever comes first.

**NOTE:** All bonding shall conform to Boise City Code 1-19, *Surety Bonds*.

2. Developer and/or owner shall pay the current sewer inspection fees for the proposed subdivision prior to signing of the final plat by the Boise City Engineer.

3. Developer and/or owner shall be responsible for repairs of any failures that occur within one (1) year of the project acceptance by the appropriate sewer entity (Boise City Code 11-09-04.2F, *Subdivision Standards; Required Improvements*).

b. Developer and/or owner shall delineate all necessary Boise City sanitary sewer easements on the final plat prior to signing of the final plat by the Boise City Engineer (Boise City Code 11-09-03.6A, *Subdivision Design Standards; Easements*).

c. Unless previously paid, developer and/or owner shall pay a sewer assessment along S Stoneyfield Pl, and/or as may be approved by the Boise City Public Works Commission prior to signing of the final plat by the Boise City Engineer. Contact the Department of Public Works for specific costs.

d. Unless previously paid, developer and/or owner shall pay a connection fee and physically connect to sewer the existing building on Lot(s) 4, Block 1 prior to signing of the final plat by the Boise City Engineer or post bond/agreement for 110% of the cost to connect.

**NOTE:** All bonding shall conform to B.C.C. 11-09-04.2., *Required Improvements; Filing of Plans and Bonding Surety*, which specifies that the improvements to be made shall be done in a time period not to exceed one year from the date of approval of the final plat.

e. Developer and/or owner shall comply with all provisions of the Boise City “Sewer Tap” Ordinances.
1. Developer and/or owner may either construct prior to final platting or post bond/agreement in the amount of 110% of the estimated costs. Please contact the Public Works Department for specifications and inspections during construction.

**NOTE:** All bonding shall conform to B.C.C. 11-09-04.2., *Required Improvements; Filing of Plans and Bonding Surety*, which specifies that the improvements to be made shall be done in a time period not to exceed one year from the date of approval of the final plat.
City of Boise Solid Waste staff has reviewed the application for this project and has the following comment(s):

Owners of these lots must take their solid waste carts to South Stonyfield Place for servicing or pay for carry-out service.

Please contact me with any questions at 208-608-7161 or ecarpenter@cityofboise.org.
TO: Planning and Development Services  
FROM: Evan Carpenter  
        Environmental Analyst  
        Public Works Department  
DATE: 1/31/2019  
RE: Solid Waste Comments – PUD19-00003

City of Boise Solid Waste staff has reviewed the application for this project and has the following comment:

Owners of these lots will need to place carts along S. Stonyfield Place for service, or pay for carry out service.

Please contact me with any questions at 208-608-7161 or ecarpenter@cityofboise.org.
To: Planning and Development Services

From: Tom Marshall, Street Light Program Technician
Public Works Engineering

Subject: Street Light Subdivision Comments
SUB20-00029: 2023 S Five Mile Rd:

No comments.

If you have further questions, please contact Tom Marshall at 208-608-7526
Date: 31 January 2019

To: Planning and Development Services

From: Tom Marshall, Street Lighting Technician
Public Works

Subject: PUD19-00003; 2023 S Five Mile Rd; Street Light Comments

No Comments.

If you have any further questions, please contact Tom Marshall at 608-7526.

I:\PWA\Subjects\Review Comments\CUs\CU Streetlight comment template_Revised_01_24_2019.docx
CITY OF BOISE

INTER-DEPARTMENT
CORRESPONDENCE

Date: January 31, 2019

To: Planning and Development Services

From: Mike Sheppard P.E., Civil Engineer II
Public Works Department

Subject: PUD19-00003; 2023 S. Five Mile Road; Sewer Comments

Upon development of the property, connection to central sanitary sewer is required. Sewers are available in S. Five Mile Road and S. Stonyfield Place.

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

If you have any further questions, please contact Mike Sheppard at 608-7504.
TO: Mayor and Boise City Council
FROM: Cody Riddle, Deputy Planning Director
PREPARED BY: Karla Nelson, Associate Planner
DATE: August 25, 2020
RE: SUB20-00038 / Armory Avenue Subdivision / Final Plat

Townhomes on the Ave, LLC is requesting approval of a Final Plat for a residential subdivision comprised of 18 buildable and 2 common lots on 1.04 acres located at 612 N Avenue H Ave. in a R-3D (Multi-Family Residential with Design Review) zone.

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Page 2 Summary and Recommendation
Page 3 Final Plat Letter of Explanation
Page 4 Preliminary Plat
Page 5 Final Plat
Page 8 Conditions of Approval
Page 15 Agency Comments
Summary
The Preliminary Plat for the Armory Avenue Subdivision was approved by the Boise City Council on June 2, 2020 and included 18 buildable and 2 common lots. Associated planned unit development (PUD19-00044) and variance (CVA19-00073) applications were also approved which included reduced lot sizes and widths and reduced interior and perimeter setbacks. The applicant now requests approval of the Final Plat, which is in conformance with the design and layout of the approved Preliminary Plat.

Recommendation
Approval of the Armory Avenue Subdivision Final Plat, subject to the recommended conditions of approval.
July 22, 2020

Planning and Development Services
City of Boise
150 N. Capitol Blvd.
Boise, Idaho 83701

Re: Armory Avenue Subdivision – 612 N. Avenue H Ave.; 902, 904, & 910 E. Logan St., Boise, ID 83712
Final Plat Letter of Explanation

To Whom it May Concern,

The application before you is for the final plat for the subdivision of the parcels located at 612 N. Avenue H Ave.; 902, 904, and 910 E. Logan St., Boise, ID 83712. The Rezone (CAR19-00032) and Preliminary Plat (SUB19-00077) associated with the project have been approved, and the project also included a Planned Unit Development (PUD19-00044), a Variance Request (CVA19-00073), and Design Review (DRH19-00569), all of which have been approved as well. A flood study is being completed which will remove the property completely from the Cottonwood Creek floodplain, which eliminates the requirement for a Floodplain Development application.

The Final Plat consists of 20 total lots to be created for the construction of 18 single-family townhomes within 8 buildings, and 2 common open space lots to incorporate outdoor amenity areas. A shared access drive will be developed to access the garages associated with the townhomes. This is consistent with the previous approvals of the project applications, with only the modification of one portion of the street improvements required for N. Avenue H Ave. This modification included the shifting of the proposed curb along N. Avenue H Ave. in order to save 3 large mature Catalpa trees existing within the public right-of-way. This modification was coordinated with the City of Boise Parks and Forestry Departments, as well as the Planning and Design Review staff, in order to ensure it meets the intent of the previous approvals and is consistent with the neighborhood and street improvement requirements of the Ada County Highway District.

We believe that this proposed development will create high-quality housing, while enhancing the surrounding existing neighborhood, by providing for the infill redevelopment of these parcels. The owner-occupied single-family townhomes will also encourage the continued elevation of areas within the overall East End neighborhood, while providing much needed housing near commercial, retail, educational, healthcare, and office space.

Please contact me directly with any questions regarding the project at 208-514-3300 or ben@reandpartners.com

Sincerely,
Rodney Evans + Partners, PLLC

Ben Semple, PLA
Partner, Senior Landscape Architect
ARMORY AVENUE SUBDIVISION

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS, THAT TOWNHOMES ON THE AVE, LLC IS THE OWNER OF THE REAL PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND, BEING THE SAME AS THAT DESCRIBED BY WARRANTY DEED INSTRUMENT NUMBER 2019-118219, RECORDS OF ADA COUNTY, LOCATED IN GOVERNMENT LOT 2 OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 2 EAST, BOISE MERIDIAN, CITY OF BOISE, ADA COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER CORNER COMMON TO SECTIONS 2 AND 11 MONUMENTED BY A FOUND BRASS CAP AS DESCRIBED IN CORNER RECORD INSTRUMENT No. 8339753 FROM WHICH THE CORNER COMMON TO SECTIONS 1, 2, 11, AND 12 MONUMENTED BY A FOUND BRASS CAP AS DESCRIBED IN CORNER RECORD INSTRUMENT No. 101067044 BEARS SOUTH 89°52'03" WEST, 2,633.85 FEET, THENCE ALONG THE NORTH-SOUTH CENTER OF SECTION LINE, SOUTH 00°11'53" WEST, 1,900.25 FEET;


THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF NORTH AVENUE H, NORTH 00°19'32" WEST, 260.10 FEET TO ITS INTERSECTION WITH THE SOUTHERLY BOUNDARY OF FORT BOISE CONDOMINIUMS, BOOK 101 OF PLATS AT PAGES 13353 THROUGH 13357, RECORDS OF ADA COUNTY, MONUMENTED BY A FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "LS 4347";

THENCE ALONG SAID SOUTHERLY BOUNDARY, NORTH 89°47'51" EAST, 150.29 FEET TO A FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "PLS 12464";

THENCE ALONG THE WESTERLY BOUNDARY OF SAID FORT BOISE CONDOMINIUMS, SOUTH 00°08'48" EAST, 122.11 FEET TO A FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "LS 4347";

THENCE CONTINUING ALONG SAID WESTERLY BOUNDARY, SOUTH 00°20'05" WEST, 16.10 FEET TO THE SOUTHWESTERLY CORNER THEREOF, MONUMENTED BY A FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "LS 4347";

THENCE ALONG THE SOUTHWESTERLY BOUNDARY OF SAID FORT BOISE CONDOMINIUMS, NORTH 89°50'00" EAST, 50.28 FEET TO A FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "PLS 12464";

THENCE SOUTH 00°19'33" EAST, 121.92 FEET TO THE NORTHERLY RIGHT-OF-WAY OF EAST LOGAN STREET, MONUMENTED BY A FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "PLS 12464";

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, SOUTH 89°47'23" WEST, 200.00 FEET TO THE POINT OF BEGINNING CONTAINING 1.035 ACRES MORE OR LESS.

IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE THE ABOVE DESCRIBED PROPERTY IN THIS PLAT. PUBLIC UTILITY, IRRIGATION AND DRAINAGE EASEMENTS ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC BUT THE RIGHT OF ACCESS TO AND USE OF THOSE EASEMENTS IS HEREBY RESERVED FOR PUBLIC UTILITIES, DRAINAGE AND FOR ANY OTHER USES AS MAY BE DESIGNATED HERETO AND NO PERMANENT STRUCTURES OTHER THAN FOR SAID USES ARE TO BE ERECTED WITHIN THE LIMITS OF SAID EASEMENTS.

ALL THE LOTS IN THIS SUBDIVISION WILL BE ELIGIBLE TO RECEIVE WATER SERVICE FROM SUEZ WATER IDAHO INC. SUEZ WATER IDAHO INC. HAS AGREED IN WRITING TO SERVE ALL THE LOTS IN THIS SUBDIVISION.

THE LAND WITHIN THIS PLAT IS NOT WITHIN AN IRRIGATION DISTRICT AS DEFINED IN IDAHO CODE 31-3805, AND THE REQUIREMENTS IN I.C. 31-3805 ARE NOT APPLICABLE.

By: MICHAEL BAUGHMAN
For: TOWNHOMES ON THE AVE, LLC

ACKNOWLEDGEMENT

STATE OF IDAHO
COUNTY OF ADA

ON THIS ___________ DAY OF ____________, 2020 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND OF SAID STATE, PERSONALY APPEARED MICHAEL BAUGHMAN, KNOWN TO ME TO BE THE MANAGER OF TOWNHOMES ON THE AVE, LLC, THE PERSON WHO EXECUTED THE INSTRUMENT ON BEHALF OF SAID LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED TO ME THAT TOWNHOMES ON THE AVE, LLC EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREunto SET MY HAND AND AFFixed MY SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

[Signature]
NOTARY PUBLIC

RESIDING AT _________________________________________

COMMISSION EXPIRES _______________________

Packet Pg. 1/1
ARMORY AVENUE SUBDIVISION

ADA COUNTY HIGHWAY DISTRICT COMMISSIONER'S ACCEPTANCE

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE ______ DAY OF ________, 20__

ADA COUNTY HIGHWAY DISTRICT

_________________________________
PRESENTER

CERTIFICATE OF COUNTY SURVEYOR

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR IN AND FOR ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

COUNTY SURVEYOR

_________________________________
DATE

APPROVAL OF CITY ENGINEER

I, _______________ CITY ENGINEER IN AND FOR THE CITY OF BOISE, ADA COUNTY, IDAHO, HEREBY APPROVE THIS PLAT.

CITY ENGINEER

_________________________________
DATE

APPROVAL OF CITY COUNCIL

I, _______________ CITY CLERK IN AND FOR THE CITY OF BOISE, ADA COUNTY, IDAHO, HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE ______ DAY OF ________, 20__, THIS PLAT WAS DULY ACCEPTED AND APPROVED.

CITY CLERK

_________________________________
DATE

HEALTH CERTIFICATE

"SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED ACCORDING TO THE LETTER TO BE READ ON FILE WITH THE COUNTY RECORDER OR HIS AGENT LISTING THE CONDITIONS OF APPROVAL. SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUE OF A CERTIFICATE OF DISAPPROVAL."

CENTRAL DISTRICT HEALTH, REHS

_________________________________
DATE

CERTIFICATE OF COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR ADA COUNTY, IDAHO, PER THE REQUIREMENTS OF I.C. 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

COUNTY TREASURER

_________________________________
DEPUTY

_________________________________
DATE

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO )
COUNTY OF ADA ) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF _______________ AT _____ MINUTES PAST _____ O'CLOCK __.M., ON THIS ______ DAY OF ________, 20__, IN BOOK _____________ OF PLATS AT PAGES ____________ THRU ____________ AS INSTRUMENT______________

DEPUTY

_________________________________
EX-OFFICIO RECORDER

_________________________________
DATE

CERTIFICATE OF SURVEYOR

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR IN AND FOR ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

_________________________________
DATE

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE ______ DAY OF ________, 20__.
Conditions of Approval

Site Specific

1. Compliance with the plans and specifications submitted to and on file in the Planning and Development Services Department date received December 31, 2019, except as expressly modified by the following conditions:

2. A pedestrian bulb-out shall be provided on the corner of Logan Street and Avenue H.

3. The applicant shall comply with the condition of approval from DRH19-00569.

Planned Unit Development

4. Interior side yard setbacks shall be a minimum of 0’ for buildings and parking and reduced lot widths shall be a minimum of 22’.

5. A floodplain development permit will be required prior to submittal of building permits.

6. Each individual townhome will require elevation certificates as they are constructed.

Agency Requirements

7. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:

   a. Ada County Highway District (January 24, 2020);
   b. Boise City Building Department (January 2, 2020) and (July 31, 2020);
   c. Central District Health Department (January 23, 2020) and (August 4, 2020);
   d. Boise City Fire Department (January 21, 2020) and (August 3, 2020);
   e. School District;
   f. Irrigation District;
   g. Century Link.

8. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:

   a. Sewer & Pressure Irrigation (January 2, 2020) and (July 27, 2020);
   b. Solid Waste (January 13, 2020) and (July 31, 2020);
   c. Drainage (January 14, 2020) and (August 3, 2020);
   d. Street Lights (January 7, 2020);
   e. Sewer Assessment (July 30, 2020)
Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

9. Provide written confirmation from Idaho Power that the work to be performed has the required clearance from transmission lines and other equipment. Contact Idaho Power at (208) 388-2323.

Subdivision

10. The following notes shall be placed on the face of the Final Plat stating:

   a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD19-00044.

   b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD19-00044, at the time of issuance of individual building permits.

   c. This development is subject to the Covenants, Conditions, and Restrictions (CC&R’s) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.

   d. A note on the Final Plat shall state: “Vehicular access to all lots shall be provided from a shared access and not from the street.”

   e. This subdivision is located in the regulatory floodplain. Development and construction activities shall comply with all regulatory requirements of local, state and federal agencies.

11. A note on the face of the Final Plat shall designate that any common lots shall be owned and maintained by the homeowner’s association. These lots cannot be developed for residential purposes in the future. The common lots shall be designated by Lot and Block.

12. Covenants, homeowners’ association by-laws or other similar deed restrictions, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces, shall be reviewed and approved by the Boise City Attorney. After recordation of the Final Plat and CC&R’s, no building permit shall be accepted until a copy of the recorded CC&R’s has been submitted to the Boise City Attorney.

13. The name, Armory Avenue Subdivision, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit the new name to the Ada County Surveyor for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Surveyor,
the new name to the Planning and Development Services Department and re-
approval by the Council of the "Revised" Final Plat shall be required. The developer
and/or owner shall submit all items including fees, as required by the Planning and
Development Services Department, prior to scheduling the "Revised" Final Plat for
public hearing.

14. Correct street names as approved by the Ada County Street Name Committee shall
be placed on the plat.

15. The Mylar shall include the following endorsements or certifications. These must be
executed prior to submitting the Final Plat for recording with the Ada County
Recorder's Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

16. A letter of acceptance for water service from the utility providing same is required.

17. Utility easements as required by the public utilities providing service shall be
provided.

18. A letter of acceptance from the appropriate school district is required.

19. Developer shall provide a letter from the United States Postal Service approving the
location of mailboxes.

   Contact: Postmaster
   770 S. 13th Street
   Boise, ID 83708-0100
   Phone: (208) 433-4301

20. The developer shall comply with all requirements of the Boise City Fire Department
and verify in one of the following ways:

   a. A letter from the Boise City Fire Department stating that all conditions for
      water, access, and/or other requirements have been satisfied,
      OR
   b. A non-build agreement has been executed and recorded with a note on
      the face of the Final Plat identifying the instrument number.
NOTE: “No Parking” signs and curb painting shall be installed in accordance with the requirements of the International Fire Code 503.8 (B.C.C. 5-12-32). Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

21. Prior to the City Engineer's Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan shall be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

22. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.
   a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.
   b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.
   c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within one-year time it shall be deemed null and void.

23. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded.

24. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City.

25. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

26. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:
   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
Standard Conditions of Approval

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

28. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Code. Contact Planning and Development Services at 608-7100 regarding questions pertaining to this condition.

29. Any future division of this parcel into individual lots or parcels, for the purpose of selling the separate lots to individual owners, will be required to comply with all provision of Boise City Code, Title 11, Chapter 9, including lot frontage on a public or approved private street, and all requirements for preliminary and final platting.

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

31. All signs will require approval from the Planning and Development Services Department prior to installation.

32. Trash receptacles and on-grade and rooftop mechanical fixtures and equipment shall be concealed from public view by use of an approved sight-obscuring method. All screening materials shall be compatible with the building materials/design.

33. Building permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact Planning and Development Services at (208) 608-7100 regarding questions pertaining to this condition.

34. Any exterior residential light or streetlight fixtures shall be of a design that will focus light downwards in order to prevent light to trespass outside the project.

35. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

36. Vision Triangles, as defined under Section 11-012-03 of the Boise City Code, shall remain clear of sight obstructions.

37. Prior to a Building Permit and prior to any construction on the site, an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.
38. All surface drainage shall be reviewed and approved by ACHD and BCPW. Perimeter grading shall be designed to match the existing grade of the adjoining properties.

39. All Americans with Disabilities Act (ADA) requirements shall be met.

40. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

41. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

42. In compliance with Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling (208) 608-7700. Species shall be selected from the Boise City Tree Selection Guide.

43. Deciduous trees shall be not less than 2” to 2 1/2” inch caliper size at the time of planting, evergreen trees 5’ to 6’ in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

44. Utility services shall be installed underground.

45. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid and submitted to the Building Department on the 2nd floor of City Hall. For additional information, please call (208) 608-7100.

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

47. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.
48. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.

49. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

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

51. Failure to abide by any condition of this permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.

52. This approval shall be valid for a period not to exceed twenty-four (24) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations.

53. This conditional use permit shall be valid for a period not to exceed 2 years from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must:

   a. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations;
   
   OR

   b. For projects that require platting, the plat must be recorded within this period. The Commission may also fix the time or period within which the permit shall be completed, perfected or bonded. If the conditions of approval shall not be completed or bonded within such period, said permit shall lapse.

54. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.
To: Planning and Development Services

From: Jason Taylor, P.E., C.F.M.
Assistant City Engineer
Public Works Engineering

Subject: SUB 20-00038 | Armory Avenue Subdivision
612 N Avenue H Ave
Grading & Drainage, Hillside, & Misc. Engineering Comments

1. STANDARD GRADING AND DRAINAGE CONDITIONS

1) Subdivision drainage shall be in accordance to B.C.C. 11-09-04-05. The developer shall submit a letter from the appropriate drainage entity approving the drainage system or accepting the drainage therefrom. A copy of the construction drawing(s) depicting all site drainage improvements shall be submitted with the letter.

   a. Developer may either construct improvement prior to final platting or post bond in the amount of 110% of the estimated construction costs. Estimated construction costs shall be provided by the developer's engineer.

   b. For drainage facilities located outside of the public right-of-way, the developer shall dedicate a storm drainage easement. Said easement shall be labeled as either an Ada County Highway District storm drainage easement or a homeowners’ association storm drainage easement, depending on what entity will assume responsibility for the operation and maintenance of the storm drainage system.

   c. If the homeowners’ association is to be responsible for the operation and maintenance of the storm drainage facilities, the covenants,
2) If fills greater than one foot in depth are to be placed in subdivision lots inside of building envelopes, as defined by the applicable subdivision building setbacks, the Developer shall obtain a grading permit from the Boise City Building Department (Rough Grading Permit). Grading permit must be acquired prior to the start of construction or final plat signature by the Boise City Engineer, whichever comes first.

Special Conditions:

2. EROSION CONTROL CONDITIONS

1) Subdivision work shall be in accordance to B.C.C. 08-17 Construction site Erosion Control Ordinance. The developer shall obtain an Erosion Control Permit from the Boise City Building Department. The Erosion Control Permit must be acquired prior to the start of construction.

2) This project will require an Erosion Control Plan (ECP) or Stormwater Pollution Prevention Plan (SWPPP) to be submitted with the permit application. The plan must bear the signature and certification number of an individual who has successfully complete a Boise City approved training course.

Special Conditions:

3. STANDARD HILLSIDE CONDITIONS

1) None

4. MISC. ENGINEERING CONDITIONS

1) A portion of the subject property is within the regulatory floodplain. This project must comply with the Boise Floodplain Ordinance (B.C.C. 11-08).

5. PRIVATE STREET CONDITIONS

Special Conditions:

If you have any further questions, please contact Public Works 208-608-7150
City of Boise Solid Waste staff has reviewed the application for this project and has the following comments:

The owners or tenants of the six lots along the eastern shared access drive will need to place their carts at the curb along the north-south shared access drive for service, or pay for carry out service.

Please contact me with any questions at 208-608-7161 or ecarpenter@cityofboise.org.
CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: 30 July 2020

To: Planning and Development Services

From: Tom Marshall, Street Light Program Technician
Public Works Engineering

Subject: Street Light Subdivision Comments
SUB20-00038: 612 N Avenue H Ave:

No comments.

If you have further questions, please contact Tom Marshall at 208-608-7526

Tom Marshall
Street Light Program Technician
Public Works Engineering
Office: (208)608-7526
tmarshall@cityofboise.org

Making Boise the most livable city in the country.
CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: July 27, 2020

To: Planning and Development Services

From: Mike Sheppard, P.E., Civil Engineer II
Public Works Department

Subject: SUB20-00038; 612 N Avenue H Ave; Sewer Irrigation Sub Comments

1. STANDARD IRRIGATION CONDITIONS

   a. Comply with B.C.C. 11-09-04.11 concerning pressure irrigation requirements prior to
      signing of the final plat by the Boise City Engineer.
      1. The owner, person, firm or corporation filing the subdivision plat shall provide a
         pressurized irrigation system. The system must conform to the minimum design
         standards and specifications of Boise City, or of the entity that will operate and
         maintain the system, if that entity has published standards; or
      2. The owner, person, firm or corporation filing the subdivision plat shall provide
         written documentation that a valid waiver of the requirement to provide a pressure
         irrigation system and that Idaho Code 31-3805(1)(a) regarding transfer of water
         rights, has been complied with.
   b. Prior to either commencing construction or signing of the final plat by the Boise City
      Engineer, developer shall:
      1. Submit for approval by the Department of Public Works, construction plans and
         specifications for the pressurized system, stamped by a registered engineer.
      2. Provide written assurance that provisions have been made for ownership, operation,
         and maintenance of the system.
      3. Delineate all necessary irrigation easements on the final plat (B.C.C. 11-09-03.6).
   c. Developer shall provide for an independent inspection of the installation of irrigation
      facilities and written certification by the design or project engineer that the system was
      installed according to the approved plans. In addition, the Department of Public Works must
      be present for the system pressure test and participate in a final inspection.
   d. Developer may construct prior to final platting or bond in the amount of 110% of the
      estimated construction costs based on the approved plans.
e. **Fees**: Developer and/or owner shall pay the current inspection and plan review fees applicable to the proposed subdivision prior to signing of the final plat by the Boise City Engineer (B.C.C. 11-03-03.3.B.).

2. **STANDARD SEWER CONDITIONS**

**City Subdivision Conditions**

a. Wetline sewers are required (B.C.C. 11-09-04.4., *Required Improvements; Sanitary Sewer*).

1. Plans shall be submitted to and approved by the Boise City Department of Public Works prior to commencing with construction. Developer and/or owner may either construct improvements prior to final platting or execute a performance agreement and provide surety in the amount of 110% of the estimated costs. The developer and/or owner shall coordinate with the Department of Public Works for construction inspection prior to and during construction. Unless otherwise approved by the Public Works Department, all sewer construction shall be completed and accepted within 90 days of plat recordation, or within 30 days of issuance of the first building permit within the subdivision, whichever comes first.

**NOTE**: All bonding shall conform to Boise City Code 1-19, *Surety Bonds*.

2. Developer and/or owner shall pay the current sewer inspection fees for the proposed subdivision prior to signing of the final plat by the Boise City Engineer.

3. Developer and/or owner shall be responsible for repairs of any failures that occur within one (1) year of the project acceptance by the appropriate sewer entity (Boise City Code 11-09-04.2F, *Subdivision Standards; Required Improvements*).

b. Developer and/or owner shall delineate all necessary Boise City sanitary sewer easements on the final plat prior to signing of the final plat by the Boise City Engineer (Boise City Code 11-09-03.6A, *Subdivision Design Standards; Easements*).

c. Unless previously paid, developer and/or owner shall pay a sewer assessment along __N Avenue H Ave __________ and/or as may be approved by the Boise City Public Works Commission prior to signing of the final plat by the Boise City Engineer. Contact the Department of Public Works for specific costs.

d. Developer and/or owner shall comply with all provisions of the Boise City “Sewer Tap” Ordinances.

1. Developer and/or owner may either construct prior to final platting or post bond/agreement in the amount of 110% of the estimated costs. Please contact the Public Works Department for specifications and inspections during construction.

**NOTE**: All bonding shall conform to B.C.C. 11-09-04.2., *Required Improvements; Filing of Plans and Bonding Surety*, which specifies that the improvements to be made shall be done in a time period not to exceed one year from the date of approval of the final plat.
BOISE PUBLIC WORKS DEPARTMENT
SUBDIVISION EQUIVALENT ASSESSMENT - 8" EQUIVALENCY FORM

For More Information Contact: Rita DeYoung 208-608-7443
2nd Floor, City Hall #2, 150 N. Capitol Blvd

SEWER PERMIT #
NONE DUE

SUBDIVISION NAME
ARMORY AVENUE SUBDIVISION

Date: 30-Jul-20
Contact Person: Company:
Telephone #: 

SUBDIVISION ACREAGE 1.04
IS SUBDIVISION 2 ACRES OR LESS? Y IF YES, SEE ASSESSMENT CHART

Street # 1: 
Frontage 
Depth 
Total Area Street #1 - sq. feet

Street # 2
Frontage: 0.00
Depth: 125.00
Total Area Street #2 - sq. feet

SUBTOTAL ALL AREA: - sq. feet

LESS previously Paid Area: - sq ft (see below)

Net Area for Calc: -
Assessment Cost: 
Service Line Cost: 

SEWER ASSESSMENT $0
CONNECTION FEES: 
TOTAL SUBDIVISION FEES: $0

# and Sizes of Service Lines Charged

<table>
<thead>
<tr>
<th>#</th>
<th>Size</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>4&quot;</td>
<td>$0</td>
</tr>
<tr>
<td>0</td>
<td>6&quot;</td>
<td>$0</td>
</tr>
<tr>
<td>0</td>
<td>8&quot;</td>
<td>$0</td>
</tr>
</tbody>
</table>

Total Svc Line Cost: $0

CALCULATION FOR ASSESSMENT CREDIT:
Address for existing structure fees previously paid:
No existing structures on plans

Date Fees Paid:
Amount of Assessment Paid:
Service Line Cost:
Assmt Cost at Date Pd

Sq. Feet Previously Paid: -

EXISTING STRUCTURE FEES:
Address(es) for existing structure fees due:

Treatment Capacity:
Trunkline Capacity:
Interceptor: $0.00

Total fees for Existing Structure: $0.00

Packet Pg. 200
PDS Building Department Plan Review:

The subdivision Final plat SUB20-00038 has been reviewed and the existing structures on the property appear to be in non-compliance with proper required distance from the proposed property lines, thus a demolition permit or a permit to move structures must be applied for prior to any signoff from the building plan review division.

Jenny Nelson
Plans Examiner II
Planning and Development Services
Office: (208)608-7109
jjnelson@cityofboise.org

Making Boise the most livable city in the country.
August 3, 2020

Karla Nelson
PDS – Current Planning

Re: SUB20-00038

Dear Karla

This is a request for a Final Plat for Armory Avenue Subdivision Final Plat XREF: CAR19-00032, SUB19-00077, PUD19-00044, CVA19-000073 & DRH19-00569

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

Comments:
1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).
2. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
3. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
4. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (BCC 5-12-29, IFC 503.2.4)
5. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)
6. Monument signage for addressing will be required at the entrance and at all intersections within the project. (IFC 505.1)
7. Fire apparatus access roads shall not exceed 10 percent in grade. Nor shall access roadways exceed a 2 percent grade for the first 80 feet at the grade transition. Tumarounds shall not exceed 2 percent grade. (IFC D103.2, BCC 05-12-65)
8. For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat.
by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (BCC5-12-32, IFC 503.8)

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

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

Regards,

Todd Callahan
Interim Division Chief – Assistant Fire Marshal
Boise Fire Department
1. We have No Objections to this Proposal.
2. We recommend Denial of this Proposal.
3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
4. We will require more data concerning soil conditions on this Proposal before we can comment.
5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
   - [ ] high seasonal ground water
   - [ ] bedrock from original grade
   - [ ] waste flow characteristics
   - [ ] other ____________________________
6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
   - [ ] central sewage
   - [ ] interim sewage
   - [ ] individual sewage
   - [ ] community sewage system
   - [ ] central water
   - [ ] individual water
   - [ ] community water well
9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
   - [ ] central sewage
   - [ ] sewage dry lines
   - [ ] community sewage system
   - [ ] central water
   - [ ] community water
10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
12. We will require plans be submitted for a plan review for any:
   - [ ] food establishment
   - [ ] beverage establishment
   - [ ] swimming pools or spas
   - [ ] grocery store
   - [ ] child care center
13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDH.
14. ____________________________________________
   Reviewed By: ____________________________
   Date: 8/4/2021
TO: Mayor and Council
FROM: Eric Bilimoria, Budget
NUMBER: ORD-25-20
DATE: August 11, 2020
SUBJECT: FY 2021 Development Impact Fee Increase

BACKGROUND:

Following the last impact fee study, the City began adjusting impact fees annually, using selected inflation measures in order to keep pace with increasing costs.

DFA has used the following inflation indices to adjust impact fees, which will become effective October 1, 2020. The percentages below reflect changes in these inflation measures from December 2018 to December 2019 (with an adjustment, when applicable, to reflect official revisions to preliminary inflation data from December 2018):

**Impact Fee Indices and Weightings for Annual Price Adjustments (FY 2021)**

**Police (4.5%)**
- Facilities 100.0% Producer Price Index (PPI) for New Nonresidential Building Construction, West (4.5%)

**Fire (4.2%)**
- Facilities 87.5% PPI for New Nonresidential Building Construction, West (4.5%)
- Vehicles 12.5% CPI for New Vehicles - Mountain Region (2.2%)

**Parks (3.6%)**
- Ground preparation, grass/trees/landscaping, small buildings, playground equipment, asphalt, etc.
- Labor 50.0% Employment Cost Index (Total Compensation) for Mountain Region (2.9%)
- Goods 50.0% PPI - Durable Goods (Merchant Wholesalers) (4.4%)

Using these percentage changes, the impact fee schedule updates are shown on the following pages.

The proposed Development Impact Fee Ordinance repeals and replaces Boise City Code Section 2-12, related to the City's development impact fees per service unit. A complete
CITY OF BOISE

repeal and re-enactment of the Development Impact Fee Ordinance, section 2-12, is appropriate to reflect the changed impact fees.

FINANCIAL IMPACT:

The financial impact of the proposed ordinance will be an increase in impact fees used to construct necessary Parks, Fire, and Police capital improvements:

- Parks: 3.6% increase
- Fire: 4.2% increase
- Police: 4.5% increase

Funds raised through the assessment of impact fees are allocated through the annual budgeting process in accordance with the 2016 Capital Improvement Plan and Impact Fee Study.
AN ORDINANCE AMENDING TITLE 9, CHAPTER 2, DEVELOPMENT IMPACT FEE, SECTION 12(B), BOISE CITY CODE; THIS AMENDMENT UPDATES THE DEVELOPMENT IMPACT FEES PER SERVICE UNIT; AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 2020.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That existing Boise City Code Title 9, Chapter 2, Section 12(B), entitled Development Impact Fees Per Service Unit, Boise City Code, be, and is hereby amended to read as follows:

9-2-12: DEVELOPMENT IMPACT FEES PER SERVICE UNIT:

A. Computation: The maximum impact fee per service unit for each service area shall be established by each category of capital improvements. The maximum impact fee per service unit for each service area for each category of capital improvement shall be computed in the following manner:

1. For each category of capital improvements, calculate the total projected costs of capital improvements necessitated by and attributable to new development in the service area identified in the impact fee CIP;

2. From such amount, subtract a credit in the amount of revenues, if any, including the payment of debt, to be generated by new service units during the period the CIP is in effect, including the payment of debt, associated with the capital improvements in the plan;

3. Divide the resultant amount by the total number of service units anticipated within the service area based on land use assumptions for that service area. (Ord. 43-16, 12-13-2016, eff. 1-1-2017)

B. New Development Schedules: The impact fees imposed on new development shall be calculated for each new service unit by using the impact fee per service unit as set forth in schedules A, B, C, and D of this subsection.

SCHEDULE A - REGIONAL PARK IMPACT FEES
## Proposed Regional Park Impact Fee Schedule

<table>
<thead>
<tr>
<th>Residential Unit by Size</th>
<th>Persons/Housing Unit</th>
<th>Net Cost/Person</th>
<th>Cost/ Residential Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 700</td>
<td>0.63</td>
<td>$256.25 $265.58</td>
<td>$161.44 $167.31</td>
</tr>
<tr>
<td>701 - 1,400</td>
<td>1.63</td>
<td>256.25 265.58</td>
<td>417.69 432.89</td>
</tr>
<tr>
<td>1,401 - 2,500</td>
<td>2.47</td>
<td>256.25 265.58</td>
<td>632.94 655.98</td>
</tr>
<tr>
<td>2,501 - 3,200</td>
<td>2.83</td>
<td>256.25 265.58</td>
<td>725.19 751.59</td>
</tr>
<tr>
<td>More than 3,200</td>
<td>3.00</td>
<td>256.25 265.58</td>
<td>768.75 796.73</td>
</tr>
</tbody>
</table>

## SCHEDULE B - LOCAL PARK IMPACT FEES

### Local Park Impact Fee Schedule by Service Area

<table>
<thead>
<tr>
<th>Residential Unit by Size</th>
<th>Central Bench</th>
<th>Downtown</th>
<th>North River</th>
<th>SouthEast/Barber Valley</th>
<th>SouthWest</th>
<th>West Bench</th>
</tr>
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<tbody>
<tr>
<td>Less than or equal to 700</td>
<td>$74.86 $77.33</td>
<td>$0.00</td>
<td>$303.55</td>
<td>$315.00</td>
<td>$317.91</td>
<td>$330.07</td>
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<tr>
<td>701 - 1,400</td>
<td>192.79 200.09</td>
<td>0.00</td>
<td>786.56 815.01</td>
<td>824.50 853.98</td>
<td>579.41</td>
<td>604.02</td>
</tr>
<tr>
<td>1,401 - 2,500</td>
<td>292.27 303.20</td>
<td>0.00</td>
<td>1,192.66 1,235.01</td>
<td>1,249.06 1,294.07</td>
<td>876.80</td>
<td>915.77</td>
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<tr>
<td>2,501 - 3,200</td>
<td>335.34 347.39</td>
<td>0.00</td>
<td>1,364.94 1,415.01</td>
<td>1,431.60 1,482.68</td>
<td>1,003.96</td>
<td>1,048.06</td>
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<tr>
<td>More than 3,200</td>
<td>354.82 368.26</td>
<td>0.00</td>
<td>1,448.01 1,500.01</td>
<td>1,516.71 1,571.75</td>
<td>1,064.47</td>
<td>1,111.64</td>
</tr>
</tbody>
</table>

## SCHEDULE C - FIRE IMPACT FEES

### Fire Impact Fee Schedule

<table>
<thead>
<tr>
<th>Residential Unit by Size</th>
<th>Persons/Housing Unit</th>
<th>Net Cost/Person</th>
<th>Cost/ Residential Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 700</td>
<td>0.63</td>
<td>$220.60 $229.93</td>
<td>$138.98 $144.86</td>
</tr>
<tr>
<td>701 - 1,400</td>
<td>1.63</td>
<td>220.60 229.93</td>
<td>359.58 374.79</td>
</tr>
</tbody>
</table>
### SCHEDULE D - POLICE IMPACT FEES

#### Police Impact Fee Schedule

<table>
<thead>
<tr>
<th>Residential Unit by Size</th>
<th>Persons/Housing Unit</th>
<th>Net Cost/Person</th>
<th>Cost/Residential Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 700</td>
<td>0.66 0.63</td>
<td>$102.50-$107.13</td>
<td>$64.58-$67.49</td>
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<tr>
<td>701 - 1,400</td>
<td>1.63</td>
<td>102.50-107.13</td>
<td>167.08-174.62</td>
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<tr>
<td>1,401 - 2,500</td>
<td>2.47</td>
<td>102.50-107.13</td>
<td>253.18-264.61</td>
</tr>
<tr>
<td>2,501 - 3,200</td>
<td>2.83</td>
<td>102.50-107.13</td>
<td>290.08-303.18</td>
</tr>
<tr>
<td>More than 3,200</td>
<td>3.00</td>
<td>102.50-107.13</td>
<td>307.50-321.39</td>
</tr>
</tbody>
</table>

#### Non-Residential

<table>
<thead>
<tr>
<th>Non-Residential</th>
<th>Police EDU/1,000 Sq. Ft.</th>
<th>Net Cost/EDU</th>
<th>Cost/1,000 Sq. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>0.32</td>
<td>$117.40</td>
<td>$37.57 $39.27</td>
</tr>
<tr>
<td>Retail</td>
<td>2.73</td>
<td>117.40</td>
<td>320.50 334.98</td>
</tr>
<tr>
<td>Office</td>
<td>1.14</td>
<td>117.40</td>
<td>133.84 139.88</td>
</tr>
</tbody>
</table>

Section 2. That this Ordinance shall become effective October 1, 2020.
TO: Mayor and Council
FROM: Elizabeth Koeckeritz, Legal
NUMBER: ORD-26-20
DATE: August 11, 2020
SUBJECT: Amending Boise City Code Title 2, Chapter 4, Section 3 Planning and Zoning Commission Membership

BACKGROUND:

Boise City is reviewing the underlying code supporting its commissions. Most Boise City commissions allow appointment of a student member but do not require such an appointment. The Planning & Zoning Commission and the Public Works Commission are outliers and require appointment of a student commissioner. This amendment allows for the appointment of a student commissioner but does not mandate it.

FINANCIAL IMPACT:

None.
AN ORDINANCE AMENDING TITLE 2, CHAPTER 4, SECTION 3, BOISE CITY CODE (PLANNING AND ZONING COMMISSION: MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES); AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That existing Boise City Code Title 2, Chapter 4, shall be, and hereby is, amended to read as follows:

2-4-3: Membership; Appointment; Terms; Vacancies

The Planning and Zoning Commission shall consist of the Mayor and one person who is, at the time of initial appointment, under eighteen (18) years of age, as nonvoting ex officio members and, in addition thereto, not less than seven (7) nor more than eleven (11) additional voting members, to be appointed by the Mayor and confirmed by the Council. The Planning and Zoning Commission may include one additional person who is, at the time of initial appointment, under eighteen (18) years of age, as a nonvoting ex officio member. Persons living within the area of City impact shall be entitled to representation on the Planning and Zoning Commission. Such representation shall as nearly as possible reflect the proportion of population living within the area of impact. The term for each appointment shall be four (4) years. No person shall serve more than two (2) full consecutive terms without specific concurrence by two-thirds (2/3) of the City Council adopted by motion and recorded in the minutes. If a vacancy shall occur during any unexpired term, the Mayor, with the confirmation of the Council, shall appoint a member for the balance of such unexpired term.

Section 2. That this Ordinance shall be in effect immediately upon its passage, approval, and publication.
TO: Mayor and Council
FROM: Elizabeth Koeckeritz, Legal
NUMBER: ORD-27-20
DATE: August 11, 2020
SUBJECT: Amending Boise City Code Title 2, Chapter 6, Section 2 Public Works Commission Membership

BACKGROUND:

Boise City is reviewing the underlying code supporting its commissions. Most Boise City commissions allow appointment of a student member but do not require such an appointment. The Planning & Zoning Commission and the Public Works Commission are outliers and require appointment of a student commissioner. This amendment allows for the appointment of a student commissioner but does not mandate it.

FINANCIAL IMPACT:

None.
Ordinance NO. ORD-27-20

BY THE COUNCIL

BAGEANT, CLEGG, HALLYBURTON, SANCHEZ, THOMSON AND WOODINGS

AN ORDINANCE AMENDING TITLE 2, CHAPTER 6, SECTION 2, BOISE CITY CODE (PUBLIC WORKS COMMISSION: MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES); AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That existing Boise City Code Title 2, Chapter 6, shall be, and hereby is, amended to read as follows:

2-6-2: Membership; Appointment; Terms; Vacancies

A. The Public Works Commission shall consist of eight (8) members appointed by the Mayor and confirmed by the Council. Members should be chosen to provide the commission with a broad and diverse makeup of knowledge, expertise or interest in environmental and engineering issues.

B. Seven (7) of the members shall be appointed to serve terms of four (4) years. The additional eighth student member may be a high school student, college undergraduate or graduate student or may be a regular member. If the eighth member is a student, the student, who at the time of their first appointment must be a college undergraduate or graduate student, shall be appointed to a term of up to one year and may be reappointed for up to three (3) additional one year terms. The Director of Public Works shall be an ex officio member and shall act as Secretary to the commission. If a vacancy should occur during an unexpired term, such vacancy shall be filled in the same manner as the original appointment.

C. Members of the Public Works Commission must be, at the time of their appointment and throughout the tenure of their membership, residents of the City; provided, that one member of the commission may be a resident of Ada County who resides within Boise City/Ada County area of impact.

D. The City residency requirement may be waived for an Ada County resident owning or operating a business located within the City, which receives City sewer and/or trash services.

Section 2. That this Ordinance shall be in effect immediately upon its passage,
CITY OF BOISE

approval, and publication.
TO: Mayor and Council
FROM: Elizabeth Koeckeritz, Legal
NUMBER: ORD-28-20
DATE: August 11, 2020
SUBJECT: Repealing Boise City Code Title 1, Chapter 9, Section 5 Special City Question Elections

BACKGROUND:
Boise City Code Title 1, Chapter 27, “Major Library Projects,” was adopted by initiative in 2019, and amended by the Boise City Council on July 28, 2020. Prior to the adoption via initiative of “Major Library Projects,” Boise City Council adopted Boise City Code Title 1, Chapter 9, Section 5 titled “Special City Question Elections.” Due to the adoption of “Major Library Projects”, the “Special City Question Elections” is superfluous and inconsistent with the “Major Library Projects” code. For this reason, “Special City Question Elections” is being repealed in its entirety.

FINANCIAL IMPACT:
None.
ORDINANCE NO. ORD-28-20

BY THE COUNCIL

BAGEANT, CLEGG, HALLYBURTON, SANCHEZ, THOMSON AND WOODINGS

AN ORDINANCE AMENDING BOISE CITY CODE TITLE 1, CHAPTER 9, BY REPEALING SECTION 5, SPECIAL CITY QUESTION ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That existing Boise City Code Title 1, Chapter 9, Section 5 shall be, and hereby is, repealed and stricken from Boise City Code.

1-9-5: Special City Question Elections

A. Legal Authority: Idaho Code sections 50-301, 50-302, and 50-405 authorize the City to place special City elections on the ballot.

B. Purpose: The purpose of a Special City Question Election is to provide an opportunity for greater public involvement in the City’s decision making process by allowing qualified voters to provide input and guidance to the Mayor and City Council on issues of City-wide concern or as otherwise authorized by law.

C. Scope: This section sets forth the standards and procedures applicable to Special City Question Elections.

D. Definitions:

CAPITAL PROJECT: Means a City-funded project that helps create or substantially improve a City asset, including but not limited to, construction, expansion, renovation, and/or replacement of a City facility.

ELIGIBLE CAPITAL PROJECT: Means any individual capital project where the City is reasonably expected to expend twenty-five million dollars ($25,000,000.00) or more in City general funds.

GENERAL FUND: Means general, unrestricted revenues of the City or revenues that are not restricted to any specific purpose, including taxes.

SPECIAL CITY QUESTION: Means a question asking for voter input and guidance
concerning an eligible capital project or as otherwise authorized by law.

E. Public Hearing Required: A public hearing shall be held on an eligible capital project to determine if a special City question should be placed on the ballot.

F. Notice: Notice for the hearing must be published in the City’s newspaper of record a minimum of seven (7) calendar days prior to the hearing. The notice shall provide a description of the eligible capital project and its estimated cost, and shall be posted for the public’s review in the Office of the City Clerk and on the City’s website.

G. Resolution Adopting Special City Question: At the end of the public hearing, the City Council may adopt by resolution a determination that the eligible capital project should be placed on the ballot.

Section 2. That this Ordinance shall be in effect immediately upon its passage, approval, and publication.
TO: Mayor and Council
FROM: Nicolette Womack, Planning and Development Services
NUMBER: ORD-29-20
DATE: August 11, 2020
SUBJECT: CAR20-00002 / Ordinance

BACKGROUND:
On June 1, 2020, Planning & Zoning Commission recommended approval.
On July 28, 2020, City Council approved this rezone.

FINANCIAL IMPACT:
None.

ATTACHMENTS:
- CAR20-00002-Exhibit A (Rezone map) (PDF)
AN ORDINANCE (CAR20-00002 FOR PROPERTY LOCATED AT 8306 W STATE STREET) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM SINGLE FAMILY RESIDENTIAL, LARGE LOT (R-1A) TO MULTI-FAMILY RESIDENTIAL WITH DESIGN REVIEW (R-3D); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the land use zoning classification of the following described lands within the city of Boise City, Idaho, as set forth in Exhibit A (Map) are amended and reclassified from Single Family Residential, Large Lot (R-1A) to Multi-Family Residential with Design Review (R-3D), pursuant to the procedures and requirements of Title 67, Chapter 65, Idaho Code, Title 11, Chapter 6, Boise City Code, and the Boise City Comprehensive Plan, as a result of changed circumstances and to promote the public health, safety and welfare.

Section 2. Pursuant to Idaho Code § 67-6535, the Boise City Council hereby adopts the following Reasoned Statement:

Reasoned Statement

The project complies with Boise City Code Section 11-03-04.3 (Rezone). The rezone from R-1A to R-3D is in compliance with the Comprehensive Plan, which designates the site as “Mixed Use” on the Land Use Map. The “Mixed Use” Land Use designation also allows a variety of other zones, however, Principle IDP-MU.1 encourages incorporating higher-intensity development as existing Mixed-Use areas redevelop over time. Further, the Area of Stability and Change Map for the Northwest Planning Area labels this parcel as “Significant New Development/Redevelopment Anticipated” and Goal NAC3.2 encourages directing residential infill to areas identified as suitable for change within each planning area. As such, the R-3 zone is most compatible with Principle GDP-C.5 & Principle GDP-MU.6(b) which calls for locating high-density residential along corridors with existing and planned transit services and stops. The rezone of the property will be in the best interest of the public convenience and general welfare as the additional homes allowed through infill development will benefit the public convenience and general welfare by reducing vehicle miles traveled as new residents would be in close
proximity to existing schools, parks, retail centers and other services (Goal CC1.1). The R-3 zone is also compatible with surrounding zoning and development as the R-3 zone will allow this development to have the same density as the adjacent neighborhood.

Section 3. The zoning maps of the city of Boise City, Idaho, are hereby changed, altered and amended to include and insert the real property described in Exhibit A hereof in the land use classification therein described.

Section 4. That this Ordinance shall be in full force and effect from and after its passage, approval and publication.
This map is made from data copyrighted by Ada County. Ada County shall not be liable for inaccuracies or misuse of this map. Maps bearing this disclaimer may be photocopied freely. However, use in any digital form requires the written permission of Ada County.

This drawing is to be used only for reference purposes; Boise City is not responsible for any inaccuracies herein contained.
TO: Mayor and Council
FROM: Elizabeth Koeckeritz, Legal
NUMBER: ORD-30-20
DATE: August 19, 2020
SUBJECT: Amending Boise City Code Title 2, Chapter 14 - Homeless Services Advisory Board

BACKGROUND:

Our Path Home is the public-private partnership working to end homelessness in Ada County. The Our Path Home Executive Committee serves as the governing body of this partnership and part of its role is to guide funding decisions by leveraging a combination of available resources, assigning them to their highest and best use, and evaluating their impact. In addition to serving as the lead agency for Our Path Home, the City supports the agencies that serve households experiencing homelessness through several related efforts, including at least three programs dedicated to preventing and addressing homelessness: Homeless Prevention and Rapid Re-housing (HPRP), Neighbors in Need (NIN) and, now, an Eviction Prevention program.

As delineated in a previous memo to Mayor and Council (dated May 21, 2020), staff recommended that the Our Path Home Executive Committee make recommendations to Mayor and City Council about how to prioritize and distribute these funds. In the past, the Citizens Advisory Committee provided recommendations to Mayor and City Council for use of these local funds along with recommendations for funds from the U.S. Department of Housing and Urban Development (HUD). In recent years, Our Path Home has matured significantly and now has the capacity, data and strategic vision to make sound recommendations on the use of local funds related to homelessness. The use of HUD funds will continue to be recommended to Mayor and City Council through the Citizens Advisory Committee, as required by HUD.

As part of this transition, City Code as it relates to NIN needs to be revised to align with this more coordinated, strategic and streamlined approach.

FINANCIAL IMPACT:
None.
BY THE COUNCIL
BAGEANT, CLEGG, HALLYBURTON,
SANCHEZ, THOMSON AND
WOODINGS

AN ORDINANCE AMENDING BOISE CITY CODE TITLE 2, CHAPTER 14 BY RENAMING THE NEIGHBORS IN NEED TRUST FUND ADVISORY BOARD AS THE HOMELESS SERVICES ADVISORY BOARD, PROVIDING THAT THE HOMELESS SERVICES ADVISORY BOARD SHALL CONSIST OF THE EXECUTIVE COMMITTEE OF OUR PATH HOME, PROVIDING FOR INCREASED RESPONSIBILITIES AND OVERSIGHT OF POTENTIAL GRANT OPPORTUNITIES BY THE HOMELESS SERVICES ADVISORY BOARD; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That existing Boise City Code Title 2, Chapter 14, shall be, and hereby is, renamed “Homeless Services Advisory Board” and amended to read as follows:

CHAPTER 14
HOMELESS SERVICES NEIGHBORS IN NEED TRUST FUND ADVISORY BOARD

2-14-1: CREATED:
2-14-2: CLERK OR SECRETARY:
2-14-3: MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES:
2-14-4: ORGANIZATION:
2-14-5: COMPENSATION; QUORUM AND MEETINGS:
2-14-6: DUTIES:
2-14-7: CONFLICT OF INTEREST:
2-14-8: INFORMATION AVAILABLE TO BOARD:
2-14-9: COOPERATION OF CITY DEPARTMENTS:

2-14-1: CREATED:
There is hereby created the Homeless Services Neighbors in Need Trust Fund Advisory Board to the Mayor and City Council in their role as Trustees of the Neighbors in Need Trust Fund. (1952 Code § 2-26-01)

2-14-2: CLERK OR SECRETARY:
The Homeless Services Neighbors in Need Trust Fund Advisory Board shall have authority to designate the Our Path Home Administrator as a Clerk, who may be an officer or employee of...
the City, and who shall act as Clerk or Secretary to the board without additional compensation, and who shall keep an accurate record of all proceedings of said board, and shall file with the City Council, when ordered by the board, a report of all transactions of the board. (1952 Code § 2-26-02)

2-14-3: MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES:
The Homeless Services Neighbors in Need Trust Fund Advisory Board shall consist of the Executive Committee of Our Path Home, the public-private partnership established in Ada County dedicated to coordinating all governments and service providers in the work to end homelessness. Membership of the Our Path Home Executive Committee is reviewed annually. Voting members include representatives from the member organizations of the public-private partnership and include, but are not limited to: the collaborative applicant of the Boise City/Ada County Continuum of Care, the Boise City/Ada County Housing Authorities, housing developers, owners, and providers; service providers; and person(s) experiencing or formerly experiencing homelessness. Non-voting members include the Our Path Home Administrator, Homeless Management Information System Administrator, and the Coordinated Entry Program Director. Housing and Community Development Citizens Advisory Committee and four (4) additional members appointed by the Mayor with the confirmation of the City Council. The four (4) additional members shall be from the planning team or the policy team for the City’s ten (10) year plan to reduce and prevent chronic homelessness or shall have demonstrated a working knowledge of issues related to the causes for, community impact of and potential solutions to homelessness. At least two (2) of the additional members shall reside or be employed within the City limits. Appointment of the four (4) additional members shall be for a period of three (3) years. If a vacancy shall occur during an unexpired term, the Mayor, with the confirmation of the City Council, shall appoint a member for the remainder of such unexpired term. (1952 Code § 2-26-03)

2-14-4: ORGANIZATION:
The Our Path Home Chair will serve Neighbors in Need Trust Fund Advisory Board shall meet and appoint one of its members as Chair of the Homeless Services Advisory Board and, who shall hold office as Chair for such term as the board shall so designate, and the Our Path Home Vice-Chair board may elect a Vice-Chair who shall act as Chair in times of absence of the appointed Chair of the board. (1952 Code § 2-26-04)

2-14-5: COMPENSATION; QUORUM AND MEETINGS:
A. Compensation; Expenses: The members of the board shall serve and act without compensation, except that their actual and necessary expenses shall be allowed by the Council and the City shall provide the necessary and suitable equipment and supplies to enable the board to properly transact and perform its business.

B. Quorum; Meetings: A majority of the appointed members of the board shall be necessary to constitute a quorum for the transaction of business. The board shall hold at least one meeting each year, and at such other times as may be called by the Chair or by the Mayor. (1952 Code § 2-26-05)

2-14-6: DUTIES:
The Homeless Services Neighbors in Need Trust Fund Advisory Board shall serve in an advisory
capacity to the Mayor and City Council in their role as Trustees for the Neighbors in Need Trust Fund and is established to:

A. Assist the City in reviewing applications for Neighbors in Need (NIN) Trust Fund grants and, when funding is available, reviewing applications for other grants that serve a homeless services purpose.

B. Provide recommendations to the Mayor and City Council Trustees regarding the expenditure of trust funds, interest income for programs and projects to receive Neighbors in Need Trust Fund grants at least annually.

C. Adopt, subject to input from the Our Path Home Administrator Housing and Community Development Division Manager and review and approval by the City Council, reasonable guidelines and procedures proposed by the board to:
   1. Further the Neighbors in Need Trust Fund mission;
   2. Develop a process of selecting projects or programs for grants with preference given to projects and programs with demonstrated outcomes and ability to leverage funds.

D. Direct staff to:
   1. Develop a fiscal reporting program;
   2. Provide periodic reports pertaining to success of the programs and projects funded through the trust; and
   3. Develop an annual report to be presented to the Mayor and the City Council.

E. Recommend grants consistent with the Trust Funds. Grants shall be for a public benefit, and for a particular purpose.

F. Treat all entities applying for grants on equal footing. Criteria for selection shall not favor one particular entity over another.

G. Accept Seek donations that support Our Path Home’s priorities to achieve the trust's purpose and deposit such donations in the Trust Fund account.

H. Comply with the language of resolution 20251 establishing the NIN Trust Fund. (1952 Code § 2-26-06)

2-14-7: CONFLICT OF INTEREST:
If any board member sits or is closely related to any entity applying for said funds, said board member shall disqualify himself or herself from taking any action on the application and any application vying for the same funds. If the board or a board member has any unanswered question relating to disqualification, the question should be submitted to the Ethics Committee. (1952 Code § 2-26-07)

2-14-8: INFORMATION AVAILABLE TO BOARD:
The Mayor and Council shall make available to the board, upon request, all financial and accounting information, professional reports, annual monitoring results, and such other information as may be necessary and appropriate for the board to review the progress of the programs and projects previously awarded grant Neighbors in Need Trust funding and to develop annual funding recommendation. (1952 Code § 2-26-07)

2-14-9: COOPERATION OF CITY DEPARTMENTS:
This chapter shall not be construed in any manner as infringing upon any authorization previously granted to any other commission or board of the City, but all departments of the City shall cooperate with the board for the purpose of coordinating the efforts and functions of all
departments, commissions and boards of the City for the distribution of NIN funds and other homeless services funds when available Neighbors in Need Trust funding, subject to Mayor and City Council Trustee approval, to public or private organizations serving the needs of Boise residents experiencing homelessness or at risk of experiencing homelessness the chronically homeless. (1952 Code § 2-26-07)

Section 2. That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.
TO: Mayor and Boise City Council  
FROM: Cody Riddle, Deputy Planning Director  
PREPARED BY: Nicolette Womack, Associate Planner  
HEARING DATE: August 25, 2020  
RE: SOS20-00025 / 2616 N. Harrison Hills / Easement Vacation

Moderna Design + Build is requesting to vacate a portion of the required non-buildable landscape buffer along Highland View Dr. for Lot 1 Block 1 of the Hollow View Subdivision on 0.25 acres in a R-1B (Single-Family Residential) zone.

Table of Contents
Page 2  Applicable Law
Page 2  Analysis
Page 3  Recommendation
Page 4  Vicinity Map
Page 5  Hollow View Subdivision Plat
Page 6  Vacation of Easement Application

This report includes information available on the Boise City Website.
The entire public record, including additional documents, can be viewed through PDS Online.
Applicable Law:
Idaho Code, Section 50-1306A

VACATION OF PLATS -- PROCEDURE.
(1) Any person, persons, firm, association, corporation or other legally recognized form of business desiring to vacate a plat or any part thereof must petition the City Council if it is located within the boundaries of a City, or the County Commissioners if it is located within the unincorporated area of the county. Such petition shall set forth particular circumstances of the requests to vacate; contain a legal description of the platted area or property to be vacated; the names of the persons affected thereby, and said petition shall be filed with the City Clerk.

(2) Written notice of public hearing on said petition shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of public hearing to all property owners within three hundred (300) feet of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) successive weeks in the official newspaper of the city, the last of which shall be not less than seven (7) days prior to the date of said hearing; provided, however, that in a proceeding as to the vacation of all or a portion of a cemetery plat where there has been no interment, or in the case of a cemetery being within three hundred (300) feet of another plat for which a vacation is sought, publication of the notice of hearing shall be the only required notice as to the property owners in the cemetery.

(3) When the procedures set forth herein have been fulfilled, the city council may grant the request to vacate with such restrictions as they deem necessary in the public interest.

(5) In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notice of intent to vacate is not required. Vacation of these easements shall occur upon the recording of the new or amended plat, provided that all affected easement holders have been notified by certified mail, return receipt requested, of the proposed vacation and have agreed to the same in writing.

Analysis:
The Hollow View Subdivision, recorded in 2019, included an easement along Highland View Dr. labeled as a non-buildable landscape buffer. The applicant is requesting to vacate a portion of the buffer for Lot 1 Block 1 to reduce the buffer from 20' to 15'. CFH18-00048 & SUB18-00023 outlined the purpose of the easement was to comply with the Subdivision Collector Buffering Standards of Section 11-09-03.7 of the Development Code. SUB18-00023 also included a minimum lot width waiver based on the amount of excess right-of-way (60-75') platted and the additional buffering this excess right-of-way already provides as the road is only 35' in width.

Reduction of the landscape buffer to 15' will accommodate a more traditional home design within the existing constraints the irregular shaped lot imposes. The plat also includes a 10' wide public utilities, lot drainage, pressure irrigation, and street light easement along Highland View Dr. With the utility easement and the 15' wide landscape
buffer, the home will be a minimum of approximately 35-51' from the edge of pavement. The majority of the existing trees are located within the right of way and will be retained.

In accordance with Idaho Code, Section 50-1306A all affected easement holders, specifically the City of Boise and property owners within 300' have been notified by certified mail of the proposed vacation. One neighbor was concerned the lot does not meet the R-1B zone lot width requirement of 75'. The lot complies with the average lot width standards of the Development Code for irregular shaped lots which states:

In the case of an irregular-shaped lot, the width shall be the average distance between the side lot lines, with the average distance to be measured at 10' intervals for the first 100' of the lot depth beginning at the front lot line.

As such, the Planning Team finds the application to be consistent with the standards for approval.

**Recommendation:**
The Planning Team recommends the Boise City Council approve the vacation.
**HOLLOW VIEW SUBDIVISION**

A PORTION OF LOT 6, HARRISON HILLS SUBDIVISION
BOOK 12 OF PLATS, PAGE 676, ADA COUNTY RECORDS.
LIVING WITHIN THE SW 1/4 OF THE NE 1/4 OF SECTION 34, T.44N., R.2E., B.M.

BOISE CITY — COUNTY OF ADA — STATE OF IDAHO
2019

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### NOTES:
1. THIS RE-SUBDIVISION OF TWO PLATS SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
2. MINIMUM PROPERTY SETBACKS SHALL BE IN ACCORDANCE WITH THE BOISE CITY ZONING ORDINANCE.
3. ALL LOT LINES ADJACENT TO A PUBLIC RIGHT-OF-WAY HAVE A TEN (10) FOOT SIDEWALK/REPRESENTATIVE PUBLIC UTILITIES EASEMENT.
4. ALL LOT LINES ADJACENT TO A TEN (10) FOOT SIDEWALK EASEMENT ARE HONORABLY RESERVED ADJACENT TO ALL PEAK LOT LINES AND THE SUBDIVISION BOUNDARY FOR PUBLIC UTILITIES, IMPEACHMENT, AND DRAINAGE EASEMENTS.
5. ANY INVERNESS LOT LINES FOR PUBLIC UTILITIES, IMPROVEMENTS IN EASEMENT OF LOT LINES, AND LOT SPACING. TEN (10) FOOT SIDEWALK EASEMENT IS HONORABLY RESERVED ADJACENT TO ALL PEAK LOT LINES AND THE SUBDIVISION BOUNDARY FOR PUBLIC UTILITIES, IMPROVEMENTS, AND DRAINAGE EASEMENTS.
6. ANY LIABILITY WITHIN THIS PLAT MAY NOT BE AN INJECTION OR AS DEFINED BY STATE LAW, AS 32-8906, AND THE REQUIREMENTS IN 32-8906 AND ANY APPLICABLE INJURY LAWS.
7. THE DEVELOPMENT OF THE PROPERTY SHALL BE IN COMPLIANCE WITH THE DIVIDE CITY PLANNING AND ZONING ORDINANCE.
8. ANY ITEM DEVELOPMENT EXCEEDING THIS PLAT SHALL BE IN COMPLIANCE WITH THE DIVIDE BUILDING CODE OR AS SPECIFIED IN THE RE-SUBDIVISION.
10. LOTS SHALL NOT BE REINTEGRATED IN SIZE WITHOUT APPROVAL FROM THE HEALTH AUTHORITY. DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM AND APPROVED BY THE PILOT HAMMER PERMIT.
11. ONLY TO PUBLIC HEALTH LETTER ON THE PRESCRIBED ADJACENT RECTIONS.
12. DIRECT LOT OR PARCEL ACCESS TO W. HIGHLAND VIEW DRIVE IS PROHIBITED. ONLY TO DEVELOPMENT AREAS WITHIN THE NEIGHBORING RESIDENTIAL DISTRICT. THE ROAD STORM WATER DRAINAGE SYSTEM OF THESE LOTS ARE ENCLOSED BY THAT DIVIDE CITY DRAINAGE MASTER PLANNING STUDY. THE EXISTING STORM DRAINAGE EASEMENT RECORDED ON NOVEMBER 30, 2015 AS INSTRUMENT NO. 2015-000005583, OFFICIAL RECORDS OF CLACKAMAS COUNTY, AND AN AMENDED HEREBY BY THE RE-PUBLICATION OF THE SAME IN FULL TITLE "MASTER EASEMENT," THE MASTER PLANNING STUDY, AND THE DIVIDE CITY DRAINAGE SYSTEM AGREEMENTS TO THE DIVIDE CITY BOARD OF COMMmissioners FOR THE OPERATION AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM.
13. PERMITS SHALL BE ISSUED ON ANY LOT IN THIS SUBDIVISION UNTIL THE PROVISIONS OF ORGANIZATIONAL INSTRUMENT NO. 2015-00004174 HAVE BEEN COMPLETED AS DETERMINED BY THE DIVIDE CITY BOARD OF COMMISSIONERS FOR THE SHARED EASEMENT AGREEMENT AND HAVE BEEN FILED FOR THIS SUBDIVISION UNDER THE RULES.
14. PERMITS ON ANY LOT IN THIS SUBDIVISION SHALL BE ISSUED ON ANY LOT IN THIS SUBDIVISION WITH THE DIVIDE CITY PLANNING AND ZONING ORDINANCE DEVELOPMENT ORDINANCE, B.C.G. 11-07-08 THRU 11-07-09.
15. INFORMAL SURVEYING OF APPRAISAL AGREEMENTS AS MODIFIED BY DIVIDE CITY CODE CHAPTE 4-02 AND THE CONDITIONS OF APPROVAL FOR 32-8906-0003.

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### LEGEND

- **HOBBY VIEW SUBDIVISION**
- **BOUNDARY LINE**
- **LOT LINE**
- **SECTION LINE**
- **PARCEL LINE**
- **EASEMENT**
- **RIGHT LINE**

---

### REFERENCES

- R1 = HARRISON HILLS SUBDIVISION, BOOK 12 OF PLATS, PAGE 676
- R2 = HARRISON HILLS SUBDIVISION, BOOK 13 OF PLATS, PAGE 13949
- R3 = HARRISON HILLS SUBDIVISION, BOOK 13 OF PLATS, PAGE 77789
- R4 = THE HIGHLANDS UNIT NO. 1, BOOK 14 OF PLATS, PAGE 924
- R5 = RECORD OF SURVEY NO. 5338

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### BASIS OF BEARING

20°09'10.55" W BETWEEN FOUND MONUMENTS AT THE NORTHWEST CORNER OF SECTION 34 AND THE EAST 1/4 CORNER OF SECTION 34.

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### ATTACHMENT

Vacation of Easement Application Form

Property Information

Address: 2616 N. Harrison Hills Dr.
Subdivision: Hollow View
Primary Parcel Number: 83704830100

Applicant Information

First Name: Chris
Last Name: Reynolds
Company: Moderna Design + Build
Address: 372 S. Eagle St, Eagle, ID 83616
E-mail: buildidaho@1ivc.com

Agent/Representative Information

First Name: 
Last Name: 
Company: 
Address: 
E-mail: 

Role Type: 

Owner Information

Same as Applicant? Yes No
First Name: Megan + Jayson
Last Name: Ronk
Company: 
Address: 
E-mail: 

Date Received: Revised: 03/2010

www.cityofboise.org/pds
City of Boise Planning & Development Services
P.O. Box 500 • 150 N. Capitol Blvd • Boise, Idaho 83701-0500
Phone 208/384-3833 • Fax 208/384-3814 • TDD/TTY 800/377-3529

1. **Type of Vacation**: ☑️ Easement  ☑️ Plat Note  ☐ Consent for Right-of-Way

**Note**: Multiple vacations can be included on the same application if located within the same area.

Please describe the easement, plat note or right-of-way to be vacated: City's 20' easement down to 15'.

2. **Annexation Date** (mm/dd/yyyy):

3. **Neighborhood Association**:

4. **Comprehensive Planning Area**:

---

**The following items must be submitted with this application**:

Completed Vacation of Easement, Plat Note or Consent to Vacate Right-of-Way Checklist and all required documents, maps and fees.

[Signature]

Applicant/Representative Signature  

7/7/20  

Date
July 7th, 2020

City of Boise Planning and Development Services
c/o Leon Letson
150 N Capitol Blvd
Boise, ID 83702

RE: 2616 Harrison Hills Boise Vacation of Plat and Easement Requests

Dear City Council Members,

We hereby submit applications for the vacation of both the plat and easement along the west side of the property located at 2616 Harrison Hills. This change is supported by Staff and is necessary due to the narrow nature of the approved lot.

The current lot width is too narrow to support a traditional home design; we've designed a home congruent with the neighboring homes which will work naturally with a 15' easement between the west side of the home and Highland View Drive.

Reducing the road easement from 20' to 15' for the side of the home will positively impact the neighborhood by allowing a home congruent in size and design as the surrounding homes.

In support of this application, the undersigned represents, warrants and submits the following:

1. A vicinity map and photos demonstrating the easement along Highland View Drive is lined with trees, reducing the easement from 20' to 15' will not negatively impact the road or surrounding views. The view of the home is completely screened by trees.

2. A scaled drawing/site plan depicting the proposed vacation, providing a lot with adequate width.

The change will not impact utility or neighboring easements. We are available to answer any questions Staff or Council Members may have.

Sincerely,

[Signature]

CHRIS REYNOLDS
MODERNA DESIGN + BUILD
LUXURY - STYLE - ENDURANCE
372 S. EAGLE RD. STE #155
EAGLE, ID 83616
OFFICE (208) 938-3400
The area between Highland View Drive and Lot 1-1 Hollow View is lined with trees; moving 5' closer, with a 15' buffer, will not have a negative impact on the neighborhood. There is also no sidewalk nor future sidewalk planned by ACHD or the City of Boise.
The view from Highland View Dr. with no sidewalks:
Front view of the home:
Any more narrow would not be congruent with the neighborhood
Dear Ms Womack,

I am strongly opposed to the granting a vacation to this easement. To begin with I question if the lot meets the requirements of the R1B zone for an average width of 75 feet. I have not done the geometry calculations to determine the average width. Nothing should be allowed that will degrade the appearance of Highland View Drive.

I will not be able to attend your August 25 meeting.

I am, Frank Robertson, Trustee Robertson Family Trust
1240 W Park Hill Drive
Boise, ID 83702
CITY OF BOISE

INTER-DEPARTMENT 
CORRESPONDENCE

Date: July 30, 2020

To: Planning and Development Services

From: Mike Sheppard P.E., Civil Engineer II
Public Works Department

Subject: SOS20-00025; 2616 N. Harrison Hills Drive; Sewer Comments

City has no objections to vacate a portion of the plat and easement along the west side of the property.

If you have any further questions, please contact Mike Sheppard at 608-7504.
To: Planning and Development Services  
From: Tom Marshall, Street Light Program Technician  
       Public Works Engineering  
Subject: Street Light Comments  
        SOS20-00025: 2616 N Harrison Hills Dr.  

No comment.  

If you have any questions, contact Tom Marshall at 208-608-7526 or tmarshall@cityofboise.org.
To: Mayor and Boise City Council  
From: Cody Riddle, Deputy Planning Director  
Prepared By: Karla Nelson, Associate Planner  
Hearing Date: August 25, 2020  
Re: SUB20-00018 / Preliminary & Final Plat / 5716 N Pierce Park Ln.

On July 6, 2020 the Planning and Zoning Commission recommended approval of a preliminary and final plat for a residential subdivision comprised of 1 common and 6 buildable lots, on 0.76 acres located at 5716 N Pierce Park Ln. in an R-1C (Single Family Residential) zone.

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Page 2 Background & Summary of Planning and Zoning Commission Action  
Page 3 Recommended Conditions of Approval  
Page 10 Preliminary Plat  
Page 11 Final Plat  
Page 14 Minutes from July 6, 2020 P&Z Hearing  
Page 44 Action Letter from July 6, 2020 P&Z Hearing  
Page 53 Project Report from July 6, 2020 P&Z Hearing

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online.
BACKGROUND & SUMMARY OF PLANNING & ZONING COMMISSION ACTION

The project includes a preliminary and final plat for a residential subdivision comprised of 1 common and 6 buildable lots, on 0.76 acres located at 5716 N Pierce Park Ln. in an R-1C (Single Family Residential) zone. Also requested was a planned unit development for 6 single family dwellings. The Planning & Zoning Commission, in a 4 to 3 motion with no public opposition, approved the PUD and recommended approval of the preliminary and final plat.

The proposed subdivision will include 6 detached single-family homes on individual lots. While the proposal, at 7.89 dwelling units per acre, is higher in density than many of the nearby subdivisions, it is within the allowed density of the R-1C zoning district and will provide compatible periphery setbacks. Only internal setbacks, lot size and width reductions are proposed. Ultimately the Planning and Zoning Commission supported these requests as they are interior to the development and create more useable building envelopes, without adversely impacting the adjacent properties.

Access will be taken from a 27' private street as the width of a public road cannot be accommodated on the narrow lot. A public road also would not meet offset requirements from Saxton Avenue to the south. Greater connectivity can be provided through the area if the golf course redevelops as depicted in Figure 1. Curb, gutter, and 7' wide attached sidewalk will be installed along Pierce Park Ln., along with a 20' wide landscape buffer. While sidewalk on both sides of the private street is preferred, the narrowness of the lot creates design challenges. The 6' long driveway aprons do not accommodate guest parking, instead the 27' private street width will allow for on-street parking on the north side and 5' sidewalk, curb and gutter will be provided on the south side, closest to the homes. A condition of approval will require that a note and depiction be added to the subdivision plat for a blanket public access easement through the extent of the common lot (Figure 2) which includes the private street and irrigation easement along the Spoil Banks Canal. This easement will allow for pedestrian access through the site and for an eventual pedestrian crossing over the canal if warranted and approved by Drainage District No. 2.
The subdivision will be compatible with the surrounding area as developments with similar lot sizes are in the vicinity and the site is bordered by a 9-hole golf course, ACHD drainage lot and a large residential lot which could redevelop. The subdivision will also comply with the Comprehensive Plan as Policies PDP1.1 and NAC 3.2 encourage infill and redevelopment within areas such as the subject property, which are anticipated for some infill and redevelopment by the Areas of Stability and Change Map. Goal CC1.1 also encourages infill development in order to reduce vehicle miles traveled and avoid costly extensions of transportation infrastructure. The development will be only 0.75 miles from State Street, a major transportation corridor, with bus service and a wide range of commercial services.

After a discussion regarding the merits of reduced lot sizes on the site, the Planning and Zoning Commission recommended approval of the preliminary and final plats. As outlined in the original project report, the proposed subdivision complies with the standards of the Boise City Development Code and Blueprint Boise.

CONCLUSION & RECOMMENDATION
With no opposition, the Commission recommended approval in a 4 to 3 motion of the preliminary and final plats at their July 6, 2020 hearing.

RECOMMENDED CONDITIONS OF APPROVAL

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received April 27, 2020, except as expressly modified by the following conditions:

2. The landscape buffer along Pierce Park shall contain a Class II tree every 40 feet and the trees shall be selected from the Treasure Valley Tree Selection Guide.

3. Tree mitigation details shall be provided prior to issuance of grading permits and adhered to as required by Boise City Code.

Agency Requirements

4. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:

   a. Ada County Highway District (June 2, 2020);
   b. Drainage District No. 2;
   c. Boise School District (May 13, 2020); and
   d. Central District Health Department.

5. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:
a. Drainage *(May 14, 2020)*;
b. Sewer Irrigation *(May 8, 2020)*;
c. Solid Waste *(May 15, 2020)*; and
d. Street Lights *(May 7, 2020)*.

Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

6. The applicant shall comply with all requirements of the Boise Fire Department comments received **May 11, 2020**. Any deviation from this plan is subject to Fire Department approval. For additional information, contact Todd Callahan.

7. The applicant shall comply with all requirements of the Boise City Building Department.

8. The applicant shall comply with all requirements of the Boise City Forestry Department.

**Subdivision:**

9. The following notes shall be placed on the face of the Final Plat stating:

   a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD20-00020 and SUB20-00018.

   b. The plat shall contain a depiction and plat note for a blanket ingress/egress easement for the benefit of the public through the extent of Lot 1, in the event that Drainage District #2 does not approve of the public access easement over the irrigation easement the public access easement may end at the edge of the irrigation easement.

   c. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD20-00020, at the time of issuance of individual building permits.

   d. This development is subject to the Covenants, Conditions, and Restrictions (CC&R’s) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.

   e. Parking shall be restricted on the south side of the private street as well as the fire turnaround. These areas will be signed for “No Parking”.

   f. The sidewalks shall be dedicated to the public for pedestrian use and access.
10. The Mylar shall include the following endorsements or certifications (I.C. Title 50, Chapter 13). These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

11. The name, Greenbanks Subdivision, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Engineer, the new name to the Planning and Development Services Department and re-approval by the Council of the "Revised" Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "Revised" Final Plat for public hearing.

12. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (B.C.C. 11-09-03.4E).

13. A letter of acceptance for water service from the utility providing same is required (B.C.C. 11-09-04.3).

14. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).

15. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

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

16. A letter from the appropriate school district is required stating, “The Developer has made arrangements to comply with all requirements of the School District.”

17. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:
a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied, **OR**

b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

**NOTE:** “No Parking” signs shall be installed in accordance with the requirements of the International Fire Code (BCC 7-0-32, IFC 503.8). Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

18. Covenants, homeowners’ association by-laws or other similar deed restrictions, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces, shall be reviewed and approved by the Boise City Attorney. After recordation of the Final Plat and CC&R’s, no building permit shall be accepted until a copy of the recorded CC&R’s has been submitted to the Boise City Attorney.

19. The CC&R’s shall detail that no parking is allowed in the driveway aprons.

20. Prior to the City Engineer’s Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of the Boise City Code, is to be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

21. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

22. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District.

23. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.

   a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing,
at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.

b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.

c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.

24. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a “Satisfaction of Non-Building Agreement” is recorded.

25. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City. Contact Erosion Control at 208-608-7100 for more information.

Standard Conditions of Approval

26. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

27. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

28. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

29. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

30. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
31. In compliance with the Boise City Code, anyone planting, pruning, removing or
trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain
a permit from Boise City Community Forestry at least one (1) week in advance of
such work by calling 208-608-7700. Species shall be selected from the Boise City
Tree Selection Guide.

32. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of
planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved
by staff. All plants are to conform to the American Association of Nurseryman
Standards in terms of size and quality.

33. Utility services shall be installed underground.

34. Any outside lighting shall be reflected away from adjacent property and streets.
The illumination level of all light fixtures shall not exceed two (2) footcandles as
measured one (1) foot above the ground at property lines shared with residentially
zonned or used parcels.

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

36. An Occupancy Permit will not be issued by the Planning and Development
Services Department until all of these conditions have been met. In the event a
condition(s) cannot be met by the desired date of occupancy, the Planning
Director will determine whether the condition(s) is bondable or should be
completed, and if determined to be bondable, a bond or other surety
acceptable to Boise City will be required in the amount of 110% of the value of
the condition(s) that is incomplete.

37. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be
installed or bonded for prior to the issuance of a building permit. For bonding, the
applicant is required to provide a minimum of two bids for the amenities,
landscaping materials and the installation. The bond shall be for 110% of the
highest bid. For additional information, please call (208) 608-7100.

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

39. Failure to abide by any condition of this approval shall be grounds for revocation
by the Boise City Planning and Zoning Commission.
40. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

41. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

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

ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS’ ACCEPTANCE

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE _______ DAY OF _________, 20_____.

ADA COUNTY HIGHWAY DISTRICT

________________________________________

PRESIDENT

CERTIFICATE OF COUNTY SURVEYOR

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR IN AND FOR ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

COUNTY SURVEYOR

________________________________________

DATE

APPROVAL OF CITY ENGINEER

I, ________________, CITY ENGINEER IN AND FOR THE CITY OF BOISE, ADA COUNTY, IDAHO, HEREBY APPROVE THIS PLAT.

CITY ENGINEER

________________________________________

DATE

APPROVAL OF CITY COUNCIL

I, ________________, CITY CLERK IN AND FOR THE CITY OF BOISE, ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE _______ DAY OF _________, 20_____, THIS PLAT WAS DULY ACCEPTED AND APPROVED.

CITY CLERK

________________________________________

DATE

HEALTH CERTIFICATE

“SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED. SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL.”

DISTRICT HEALTH DEPARTMENT, REHS

________________________________________

DATE

CERTIFICATE OF COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR ADA COUNTY, IDAHO, PER THE REQUIREMENTS OF I.C. 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION HAVE BEEN PAID IN FULL.

THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

________________________________________

COUNTY TREASURER

________________________________________

DEPUTY

DATE

CERTIFICATE OF COUNTY RECORDER

STATE OF IDAHO )
COUNTY OF ADA ) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF _______________ AT _____ MINUTES PAST _____ O’CLOCK _____ M., ON THIS _______ DAY OF ________, 20___, IN BOOK ________ OF PLATS AT PAGES ____________ THRU ____________, AS INSTRUMENT ____________________________.

________________________________________

DEPUTY

________________________________________

EX-OFFICIO RECORDER

DATE

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, AARON P. RUSH, A PROFESSIONAL LAND SURVEYOR, SUPERVISED THE SURVEY OF LAND AS DESCRIBED IN THE CERTIFICATE OF OWNERS AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY, DESIGNATED HEREIN AS “LANSDOWNE SUBDIVISION”, AND THAT IT WAS COMPLETED IN ACCORDANCE WITH THE CURRENT LAWS OF THE STATE OF IDAHO RELATING TO PLATS AND SURVEYS AND WITH THE CORNER PERPETUATION AND FILING LAW.

_____________________________________

CITY ENGINEER

_____________________________________

DATE

DRAFT

04-27-2020

ATTACHMENT: CC_Project Report_August 25, 2020_SUB20-00018 (Greenbanks Subdivision)
GREENBANKS SUBDIVISION

CERTIFICATE OF OWNERS
KNOW ALL MEN BY THESE PRESENTS, THAT JASON ELLSWORTH, KELLI ELLSWORTH, AND COOK BROTHERS CONSTRUCTION, INC. ARE THE OWNERS OF THE REAL PROPERTY DESCRIBED AS FOLLOWS:

IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE THE ABOVE DESCRIBED PROPERTY IN THIS PLAT. PUBLIC UTILITY, IRRIGATION AND DRAINAGE EASEMENTS ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT OF ACCESS TO AND USE OF, THESE EASEMENTS IS HEREBY RESERVED FOR PUBLIC UTILITIES, DRAINAGE AND FOR ANY OTHER USES AS MAY BE DESIGNATED HERIN AND NO PERMANENT STRUCTURES OTHER THAN FOR SAID USES ARE TO BE ERECTED WITHIN THE LIMITS OF SAID EASEMENTS.

ALL THE LOTS IN THIS SUBDIVISION WILL BE ELIGIBLE TO RECEIVE WATER SERVICE FROM SUEZ WATER IDAHO INC. SUEZ WATER IDAHO INC. HAS AGREED IN WRITING TO SERVE ALL THE LOTS IN THIS SUBDIVISION.

IN COMPLIANCE WITH THE DISCLOSURE REQUIREMENTS OF IDAHO CODE 31-3805(2), IRRIGATION WATER HAS BEEN PROVIDED FOR BY THE OWNER OR BY THE BOISE VALLEY IRRIGATION DITCH COMPANY. LOTS WITHIN THE SUBDIVISION WILL BE ASSESSED BY THE BOISE VALLEY IRRIGATION COMPANY.

By ________________________________
MICHAEL COOK
COOK BROTHERS CONSTRUCTION, INC.

STATE OF IDAHO)
COUNTY OF ADA)
ON THIS _____ DAY OF ____________, 2020 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND OF SAID STATE, PERSONALLY APPEARED MICHAEL COOK, KNOWN OR IDENTIFIED TO ME TO BE THE PRESIDENT OF COOK BROTHERS CONSTRUCTION, INC., THE PERSON WHO EXECUTED THE INSTRUMENT ON BEHALF OF SAID CORPORATION, AND ACKNOWLEDGED TO ME THAT COOK BROTHERS CONSTRUCTION, INC. EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

________________________________________________
NOTARY PUBLIC
RESIDING AT __________________________________
COMMISSION EXPIRES ________________

DRAFT
04-27-2020
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE:
PWD20-00020 / COOK BROTHERS CONSTRUCTION
and
SUB20-00018 / GREENBANKS SUBDIVISION
5716 North Pierce Park Lane

TRANSCRIPT OF RECORDED PUBLIC HEARING
MONDAY, JULY 6, 2020

COMMISSIONERS PRESENT:
BOB SCHAFER, CO-CHAIR
CHRISTOPHER BLANCHARD
JENNIFER MOHR
JENNIFER STEVENS
MILT GILLESPIE
JANELLE FINFROCK
JIM BRATNOBER

TRANSCRIBED BY:
VICTORIA HILLES
INTRODUCTION

CO-CHAIRMAN SCHAFER: All right. We'll move right on into Item No. 2, PUD20-20, Cook Brothers Construction, and SUB20-18. Those are conditional-use permits and preliminary and final plats at 5716 North Pierce Park Lane.

And with that, we'll hear from Ms. Nelson again.

KARLA NELSON: Chair, Commissioners, before you is a conditional-use permit for a planned residential development comprised of six detached, single-family homes in an R-1C zoning district. Also included are preliminary and final plats comprised of one common and six buildable lots.

The property is on the east side of Pierce Park Lane, south of Hill Road. A nine-hole golf course is to the east and an ACHD drainage lot is directly to the north.

Here is a site plan and a landscape plan. The development is under 1 acre in size, removing the requirement for amenities. However, each single-family home will have private rear yards, exceeding the 100 square foot of open space.
requirement. Common open space will also be provided along the Spoil Banks Canal.

The Applicant is requesting waivers to the Subdivision Ordinance for a private street width of 27 feet with sidewalk on one side, rather than a width of 28 feet with sidewalk on both sides, as required by Code.

The planning team is supportive of these requests, as they are interior to the development, and due to the narrowness of the lot, waivers are necessary to allow for adequate building envelopes.

To allow for future connectivity opportunities, a condition of approval will require that a note and depiction be added to the subdivision plat for a blanket public access easement that will go through the extent of the common lot, including the private street and irrigation easement along the Spoil Banks Canal. Depending on approval by Irrigation District No. 2, the public access easement could end at the edge of the irrigation easement.

In conclusion, all commenting agencies have approved the project with standard conditions, and the planning team is recommending approval of the application. Just as a reminder, the Commission will make a final decision on the planned unit development.
and a recommendation to City Council on the subdivision.

Thank you.

CO-CHAIRMAN SCHAFER: Okay. Thanks, Karla.

Now we'll move on and hear from the Applicant.

BEN SEMPLE: Mr. Chair, Members of the Commission, Ben Semple, 1014 South La Pointe Street, Suite 3, Boise, Idaho 83706.

I want to thank Ms. Nelson for her presentation. And as I stated earlier, we are in agreement with all of the conditions of approval, including the extension of a cross-access easement through the Fire Department turnaround to the property to the south and to cover a public access easement over -- if allowed by the Irrigation District, over the portion of the irrigation easement. We do intend on putting some new landscaping as is shown on the site plan -- site and landscape plan that's on the screen right now, as well.

We did request the waiver of the sidewalk on the north side of the private street mostly so that we could provide a better landscape buffer between the ACHD drainage pond that's to the north and the private street.
The private street also, being 27 feet wide, will allow for on-street parking on one side, which we intend to put along that north side. It will accommodate eight standard spots and four compact spaces, so we would have two guest parking spaces associated for each lot along with -- each house will have a two-car garage.

One of the reasons that we are requesting that PUD for the reduced lot sizes -- in this area there's a lot of larger, single-family homes. There are some infill developments that are occurring, specifically to the south on Pierce Park and on the west side, and this is in -- kind of in keeping with that type of development -- also to provide some -- a for more affordable option for people that want to live in closer to town in a smaller home.

The setbacks that we have on the rear setbacks, which would be the south property line, we are maintaining the R-1C setback of 15 feet so each home will have a 540 square foot private yard associated with them.

And then we feel that the proximity to foothills trails, as well as the golf course -- I know that there's some talks about a future canal pathway along the Farmers Union Canal, which is on the other
side of Pierce Park Greens -- provides for a lot of opportunity for future residents.

And we are also going to be proposing at least the ability to provide for EV charging in the garages of these homes, as well, just as another amenity for future residents.

And with that, I would stand for questions.

CO-CHAIRMAN SCHAFER: Okay. Thank you, Ben.

NEIGHBORHOOD ASSOCIATION

CO-CHAIRMAN SCHAFER: Before we move to questions, we'll see if there's a representative from the neighborhood association in attendance this evening.

I see no hands up online.

With that, we'll return this to the Commission for any questions to either staff or the Applicant.

COMMISSIONER BRATNOBER: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Aye. Yes.

I have one question for the Applicant.

You'd mentioned -- I'm not sure I understood the justification you listed for the smaller lot sizes. I got a little confused on that.
Could you give me that again, please.

BEN SEMPLE: Yes, Mr. Chairman, Commissioner Bratnober.

We -- the property size does allow for six -- up to six units based on the Code of eight units an acre at 0.76 acres. And in order to provide for a little bit larger yard, as well as to accommodate the irrigation easement and the 20-foot landscape buffer along the front, we were looking at doing some smaller homes. I'm not going to call them tiny homes, because they're not, I don't think -- fit in that classification, but we feel like this is appropriate to provide an option for maybe some more affordability within this area of town.

There's a lot of larger lot -- single-family residential here, and we felt bringing in a smaller, single-family home rather than trying to do something that was attached, like townhomes or something like that, was more appropriate for this location. And the smaller lots do allow for us to get the six units, while still providing for more private, open space than what would be required for a PUD.

And then we also have the common area in the back that would encompass that irrigation easement
that we do intend to landscape. And, again, assuming that we can get Irrigation District approval for putting some other improvements back in there -- maybe like a little picnic area and some stuff where -- it's a really nice space along that canal back there. There's some large, mature trees. And so the smaller lot size kind of helps us maintain that, as well.

COMMISSIONER BRATNOBER: Oh. Okay.

So just to make sure I'm understanding you, the lot sizes are more or less in contrast to what you have surrounding it; is that a fair statement?

BEN SEMPLE: They're definitely smaller than most of the lots around here, yes.

COMMISSIONER BRATNOBER: Okay. Thank you.

And I have a question [unintelligible] -- Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Bratnober.

COMMISSIONER BRATNOBER: I have a question for staff, please.

CO-CHAIRMAN SCHAFER: Mm-hmm.

COMMISSIONER BRATNOBER: So obviously this is significant, but although the density is right for R-1C, the dimensions of the lots are not by a big amount.
Was there any idea about looking at alternatives? I don't know if there's a zoning designation that would fit these lots, but what other alternatives were pursued, please?

KARLA NELSON: Chair, Commissioner Bratnober.

The Planning and Development process does allow for reduced lot sizes within the density of the zone, so we reviewed the application based on the planned unit development standards and found that it was compliant.

COMMISSIONER BRATNOBER: Okay.

BEN SEMPLE: Mr. Chair.

CO-CHAIRMAN SCHAFER: Yeah.

Sorry. Was that Ben?

BEN SEMPLE: Yes.

CO-CHAIRMAN SCHAFER: Mm-hmm.

BEN SEMPLE: Commissioner Bratnober, I -- we did look at how we could accommodate or bring the lots to within conformance within a zoning district, but, you know, typically we're not allowed to do spot zoning. I think an R-1M is maybe a zone that would allow for these lot sizes, but having a spot zone to R-1M would also increase the ability to put a higher density on this property, which we didn't feel was appropriate.

And while these homes and lots are smaller, with a 5,000 square foot minimum lot size in
R-1C -- I know these are, you know, about half that size, but we did feel that by providing a smaller, single-family residence on a smaller lot, it still has a pretty decent-sized backyard -- that it was in better conformance with the surrounding neighborhoods, because they are detached, single-family, and that's kind of why. And without being able to rezone to something else, we felt that this was appropriate, based on the parcel shape and that, as well, if that helps you.

COMMISSIONER GILLESPIE: Mr. Chairman.

COMMISSIONER BRATNOBER: Thank you.

CO-CHAIRMAN SCHAFER: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Question for Karla.

So, Karla, I'm looking at this little, teeny, tiny map with my bad eyes, and it doesn't look like there are any existing single-family lots or homes or -- anywhere around this; is that correct?

KARLA NELSON: Chair, Commissioner Gillespie, there are some large, residential --

COMMISSIONER GILLESPIE: No, I mean, directly adjacent.

KARLA NELSON: Directly adjacent.

COMMISSIONER GILLESPIE: Directly.

KARLA NELSON: There is a large, residential lot
directly to the south, although it is quite large, and
I think there's probably a chance that it could
redevelop. To the north is an ACHD drainage lot.

COMMISSIONER GILLESPIE: Right. Okay.

Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner.

COMMISSIONER GILLESPIE: So, Karla, I'm also
looking at the homes on Hammermill and Fenwick and
then up on Baron, so out of all, these are probably
within a less than a quarter-mile. Those look like
pretty skinny lots to me, some of them.

Do you happen to know if those are also
smaller than the R-1C size?

KARLA NELSON: Chair, Commissioner Gillespie,
yes, especially the ones on Hammermill Drive. The
full development there would still be larger average
lot sizes than what's proposed, but there's quite a
few more lots, and some of them are similar in size to
what is being proposed here.

COMMISSIONER GILLESPIE: Thank you.

BEN SEMPLÉ: Mr. Chair.

CO-CHAIRMAN SCHAFER: Any other questions for
staff?

COMMISSIONER STEVENS: Mr. Chair. Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Stevens.
COMMISSIONER STEVENS: I also have a question for Karla.

So I didn't see anything in the staff report related to some of the Comp Plan goals with regard to providing variety of housing, specifically, in some of our neighborhoods.

Aha. Maybe it was there.

I looked, and maybe -- and I just was wondering, I think, that in terms of affordability -- and I don't know that it -- I don't think that it is represented in this chart that's in front of us. Was there any -- is there anything in our Comp Plan regarding not just the form and the size of the lots in terms of diversity, but also in terms of affordability in some of these established neighborhoods that might help us with this particular application?

KARLA NELSON: Chair, Commissioner Stevens, yes. The Comprehensive Plan would certainly, I think, encourage us to look at a variety of housing options, including affordable. This application wasn't presented to us as necessarily being affordable housing, but it is, I think, providing a different arrangement of single-family housing in a neighborhood that is primarily single-family housing.
COMMISSIONER STEVENS: Thank you.

BEN SEMPLE: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Ben, yes.

BEN SEMPLE: I -- just to add a little bit more.

If I can share my screen or I guess if you can look on yours to -- if you're looking at Google Earth, to the south on Pierce Park on the east side off of -- and you can't see it there.

Here, I'll show my screen if I can.

Oh. You're sharing yours.

Oh. Okay.

So the subject property for this project is here. And then if you go to -- this is Foggy Bottom right here. And these homes, the -- one of these -- this lot size right here, I checked, is 2,600 square feet, so this is very similar in terms of lot size, although these appear to have a reduced rear setback, which we would be providing for a larger rear setback, but again, kind of similar, where it's got a turnaround and lot sizes that are comparable. So that would be kind of something that is very similar within close proximity to this one.

CO-CHAIRMAN SCHAFER: Okay. Thank you for that, Ben.

Are there any other questions for staff or
the Applicant from the Commission?

COMMISSIONER BLANCHARD: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Blanchard.

COMMISSIONER BLANCHARD: Thank you. I have a question for staff, as well.

Karla, I'm sorry if this is pedantic, but can you explain to me the rationale for 3-foot interior setbacks?

KARLA NELSON: Chair, Commissioner, that is what the Applicant requested, so perhaps they could explain better why they needed that much for -- by building Code we want 3 feet unless they were attached townhomes.

COMMISSIONER BLANCHARD: Okay.

Let me interject before Mr. Semple comes back on then, because here's where I'm looking at this from is -- we wouldn't approve a structure like this, even in R-2, where we want density with 3-foot side setbacks. So I'm -- it's just -- it's kind of perplexing to me why we would put, really, this many units way out there on State Street with 3-foot side setbacks, where all around Boise State, where you've got R-2 properties, we would never consider something with 3-foot setbacks. We would -- as you know, you know, if we're going to have a two-story structure,
the upper floors would have to be set back to even get a 5-foot setback, if I'm reading Code correctly. So it just -- I'm just kind of perplexed, where -- we don't need density out there along State Street.

And I'm kind of -- these buildings are 2,000 square feet. I don't consider that to be a small footprint or -- when it's priced out, these are going to be probably pushing $400,000 apiece, and that's above median, unless I'm wrong, Ben. But that's kind of my concern is that we're -- we wouldn't approve anything like this in a zone like R-2, even, and we're looking at doing it in a residential zone.

KARLA NELSON: Chair, Commissioner Blanchard, we do allow for reduced interior setbacks through the planned-unit development process, and we certainly do allow for that in R-2 or all of the R zones with this process that we're looking at today. So the planned-unit development in combination with subdivision allows for reduced interior setbacks and reduced lot sizes as are being proposed, and it has certainly been approved elsewhere in the city.

BEN SEMPLE: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Mr. Semple, yes.

BEN SEMPLE: Commissioner Blanchard, to touch on that a little bit more, just to clarify, the lots
themselves are about 2,300 square feet, but the buildable area is under 2,000 substantially. It's probably closer to about 1,700 square foot of footprint, and it's definitely not just a box that that gets built in here.

I did submit some floor plans on those, too. Those are still going through development. And the 3-foot interior side setback, as Karla had stated, is approvable through the planned-unit development, and we felt that, because we're not adjacent to any single-story or, you know, other structures that would limit our height, that it was appropriate in this area, because I do believe that the properties to the south of this are going to redevelop, as well, into something that's a little bit closer to something like this or that is already going on within very close proximity to this, as well. It also allowed us to get a little bit larger of a home on the lot for the future residents there, too.

COMMISSIONER STEVENS: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Stevens.

COMMISSIONER STEVENS: I guess I'll ask the Applicant a follow-up question, and that is, if I read the floor plans correctly, these are how many bedrooms? I thought I only saw two, at least on one
of the floor plans; is that right? So we're talking about a two-bedroom, two-bath house?

BEN SEMPLE: Mr. Chairman, Commissioner Stevens, that's correct. They're two bedroom, two bathroom.

COMMISSIONER STEVENS: And I guess, just to be clear for the record, I did recognize this wasn't necessarily a legally defined affordable housing, but my assumption was with the smaller house like that in a neighborhood like this that they would be going for smaller amounts of money. So that was my theory on that one. Who knows in this market, but...

BEN SEMPLE: That's the thought, yes.

CO-CHAIRMAN SCHAFER: Okay. Thank you, all.

Any other final questions for staff or the Applicant?

Okay.

PUBLIC TESTIMONY

CO-CHAIRMAN SCHAFER: With that, we will move into the public testimony on this project.

Is there anyone in the audience that would like to testify in regards to this project?

We have very few people online this evening, and I see no hands up. And we also have a very small audience live and in person, so I'm going to assume there is no public comment on this project.
REBUTTAL

CO-CHAIRMAN SCHAFER: With that, Ben, we return back to you for a rebuttal if you have any other final comments.

BEN SEMPLE: Mr. Chairman, I do not. Thank you.

CO-CHAIRMAN SCHAFER: Okay. Thank you.

MOTIONS

CO-CHAIRMAN SCHAFER: With that, we will return this back to the Commission.

COMMISSIONER STEVENS: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Stevens.

COMMISSIONER STEVENS: I'll move that we approve PUD20-20 and SUB20-18.

COMMISSIONER GILLESPIE: Second.

CO-CHAIRMAN SCHAFER: I have a --

COMMISSIONER STEVENS: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Stevens.

COMMISSIONER STEVENS: Oh. Sorry.

CO-CHAIRMAN SCHAFER: You’re good.

COMMISSIONER STEVENS: I totally jumped the gun. Sorry.

CO-CHAIRMAN SCHAFER: I have a motion.

Do we have a motion, as well, on the SUB20 --

COMMISSIONER GILLESPIE: She did both. She did
CO-CHAIRMAN SCHAFER: She did both? Did she --
COMMISSIONER GILLESPIE: Yep.
CO-CHAIRMAN SCHAFER: Okay. I apologize.
Commissioner Stevens.
Discussion.
COMMISSIONER STEVENS: Sorry. And if I'm swatting, it's because I'm outdoors, and there's, like, flies and mosquitoes and stuff. So apologies for all of my gesticulation.
I actually am really pleased to see an application like this. It strikes a good balance in my mind between having some density, but having single-family homes as opposed to multi-family every time we see a building envelope that looks like this -- or a parcel that looks like this. Forgive me.
And I actually do think it's a good spot for some density. And I know it's marked as "stable," and I think that this actually continues the neighborhood's ability to remain stable and to continue to sustain that marking.
So I think it's a good project, and I think that the waivers that are requested are justified, particularly because I think that the open space along the canal and the backyards are a really
nice balance, provide a really nice balance for the small homes.

So I'm in full support of the application.

CO-CHAIRMAN SCHAFER: Okay. Thank you for that.

Any other discussion?

COMMISSIONER BRATNOBER: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Yes.

So, probably no surprise, I have some concerns about the lot dimensions for this application. Obviously the density matches the R-1C designation, but the dimensions are, in some cases, half of what the zoning specifies.

So, you know, as a Commission, we have latitude to exercise leeway on these specifications. In most cases, the deviation's nowhere near this large, but it allows us to address the critical housing shortages in Boise, which are, you know, quite significant.

I looked at alternate zoning possibilities and couldn't find any. To Mr. Semple's statement, R-1M is the closest that I think would reduce size that would fit. It requires that the housing's attached, if I'm reading the Code correctly, which this is not.
And it seems to me we’ve got a couple choices here: reduce the number of lots to configure -- you know, and configure it closer to the R-1C specs or just approve and move on. I think the fact that this is, by Mr. Semple’s description, not in some contrast or what have you versus the other larger lots around, that causes me a bit of a concern, as well, because it’s not meshing.

So I’m concerned if we just approve and move on because this can easily become a habit, and, as such, we’d be setting a precedent that can potentially erode zoning requirements. Not -- you know, not trying to single this one out, although that’s kind of where we are.

When -- you know, when we have this kind of discrepancy, we should pause and think towards the future. If we truly need these kinds of lot sizes and this kind of zoning, we should be modifying the law appropriately or rezone to the correct specs or reconfigure. It may mean that we need to add a zone or two. Fine. I think the law needs to keep up with the pressing demand of a growing city.

If we continue to approve lots which are much smaller than required in the desired zones, we’re risking both our credibility as a Commission and
eroding citizens' confidence in the law.

So those are my concerns about falling into this repetitive nature of approving lot sizes which are dramatically lower. We've seen, in Commission meetings, neighbors come up in arms about the smaller lot size. You know, we had a parade of them last month. So I'd like us to consider very carefully. And let's look at what the law needs to be instead of trying -- having -- being forced into working around it so much.

I hope that's clear. Thank you.

COMMISSIONER FINFROCK: Mr. Chairman. It's Commissioner Finfrock.

CO-CHAIRMAN SCHAFER: Mm-hmm.

COMMISSIONER FINFROCK: I agree with Commissioner Bratnober on that. I'm not comfortable deviating from the dimensional standards that the Subdivision Ordinance requires. If we are getting to the extent that we have on this application, I think we should just rezone or at least see if it meets the standards for the rezone. I agree with him. There has to be a standard, and we just get further and further away from it, and I'm uncomfortable, as well.

CO-CHAIRMAN SCHAFER: If you wouldn't mind, Commissioner Finfrock, maybe just repeating the last
couple of statements there. You were a little quiet.

COMMISSIONER FINFROCK: Sorry about that.

Is this better?


COMMISSIONER FINFROCK: Okay.

I was just saying that I'm uncomfortable deviating from the dimensional standard that the Subdivision Ordinance requires, and I think Commissioner Bratnober said it pretty well, but if we deviate to this extent, I think we should just be looking at a rezone.

COMMISSIONER GILLESPIE: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So I'll be supporting the motion to approve.

I think the basic issue here is it's a long, skinny lot, and we have to put a street in, because of the orientation of the lot. So you have to put in a 27-foot wide street, and then we've got a very large irrigation easement, and so in order to get to the density allowed by the zone, we have to have these skinny lots.

I'd also point out that there's -- it's -- no specific case of adverse impact has been shown. No one has objected to this
here -- this proposal. The lot to the north is an
ACHD yard, the lot to the east is a golf course and a
canal, so they're never going to come into any sort of
conflict or adversity. And the lot to the south is a
single-family home now, but it's -- I think the
Applicant is correct. It's likely to redevelop in
kind of a similar pattern with, you know, multiple
houses or multiple lots on that southern lot line.

So I just don't see where this sort of
adverse impact is, and I think there's a clear
interest here to build these houses in the way that
the Applicant has proposed, and we've got to put a
street in there or we'll never develop that lot.

Thank you.

COMMISSIONER MOHR: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner Mohr.

COMMISSIONER MOHR: Yes.

I'm in support of this motion, but I just
would like to say that it seems like there's two
competing ideas going -- or two competing points in
the Zoning Code going on, where we either prioritize
density or the density allowed in a zone or we
prioritize the size of the lots.

And so it seems to me if we do want to
prioritize the density, like Commissioner Bratnober
said, maybe we do need to do something about those minimum lot sizes. And if we're going to focus on that density, I mean, that is absolutely something that we might want -- that we need to look at and really think about. Maybe it's just not right for the Code anymore or maybe it needs to be changed or revised somehow to fit the Blueprint Boise better.

COMMISSIONER GILLESPIE: Mr. Chair.

COMMISSIONER MOHR: I will note that --

CO-CHAIRMAN SCHAFER: Go ahead, Commissioner Mohr.

COMMISSIONER MOHR: I will note that the -- all the adjacent setbacks to the adjacent properties, those all meet the zone or dimensionally meet the zone. So interior, it would be a variance from that or different from the zone, but to your adjacent properties, it does meet the zone and would be the same as if you just had one.

Thank you.

CO-CHAIRMAN SCHAFER: Thank you.

And Commissioner Gillespie again.

COMMISSIONER GILLESPIE: So --

COMMISSIONER STEVENS: Mr. Chair.

CO-CHAIRMAN SCHAFER: One minute.

Is that Commissioner Stevens?
Hang on one second. I think Mr. Gillespie's going to have some more comments here.

COMMISSIONER GILLESPIE: So just a procedural point. So the whole reason this is before us as a PUD is to deal with the lot sizes and the setbacks. So we do have a process in the Code for essentially adjudicating and resolving the issues that some of the other Commissioners are concerned about. That's what the PUD findings do is allow us to make these decisions with respect to lot size and setbacks, and that's normally -- in every one of these that we do, that's the criteria we should be applying.

Thank you.

CO-CHAIRMAN SCHAFER: Mm-hmm.

And Commissioner Stevens.

COMMISSIONER STEVENS: Mr. Chair.

CO-CHAIRMAN SCHAFER: Mm-hmm.

COMMISSIONER STEVENS: Yeah. I mean, I got to be honest here. I want to reiterate what Commissioner Gillespie just said, which is that we have a process and this is what we're deploying is the process that's in our Code. And if we start having a zone that matches every single situation, we're going to have a Zoning Code that exceeds the hundreds of pages that already exist. So I think that we're going backwards
here, guys. We have a situation where the PUD is the process, and we're dealing with the PUD. It happens to be under an acre, and so he doesn't have to -- the Applicant does not have to apply -- or provide amenities, yet we have a situation where there's a large amount of open space being provided regardless.

There is -- there was no discussion for the people -- Commissioner Bratnober's comments had nothing to do, that I could tell, with compatibility, but instead merely a sort of wanting to make sure that it meets the absolute, specific things of the Code.

And I'm going to disagree with Commissioner Bratnober, also, that we never deviate this much. It's not true. We do. And that's exactly what the PUD process is for, and we've done it many, many times in many different zones throughout the entire city.

So I just -- I don't agree with the premise there, and I don't agree that we need to keep writing new zones that can fit every single piece of property that comes before us. We have a process, it's being deployed properly here, I think staff has come up with findings that make sense for it, and I stand by the motion. And I don't think we need to write a new zone for this kind of thing.
First of all, I'm not saying that we need to adhere specifically to the exact square footage. That was never my intent. It has to do more with the level of discrepancy. We've -- you're exactly right, even in my brief time as a Commissioner, we've approved some of these, and that's fine. The issue is when we get to this level of deviation.

I'm not looking for us to do a zone for every single size, if you will. I think Commissioner Mohr stated it very well, there is a question of trade-off here. The -- it's matching -- it's coming in right at the density allowed. However, the dimensions for the lots are way off. So which is most important? Do we try to -- do we strive to do both, come within -- oh, I don't know -- maybe 1,000 square feet of the dimension? [Unintelligible] live with that, but we're 50 percent. Now I fully expect that this is going to go ahead and be approved and all that stuff, but we're going to run into this over and over again.

And what we saw in our last meeting was
that this is a concern for the neighbors in cases.
Now in this case, you're right, Commissioner
Gillespie, there was no objection, but I believe these
things need to go on the record, because otherwise
we're just -- you know, we've got this stuff coming
through here, and we're going to approve it, and
neighborhood opposition, maybe, is not taken into
account as much as it ought to when that comes up.

So what I'd like to do is see us look at
the lot closer and adapt to what we're seeing as a
City in terms of growth and the need for affordable
housing, which -- I'm not sure where this one comes
in, because, as you pointed out, Commissioner Stevens,
this was not designated affordable housing or low-cost
housing, I think.

So, you know, I'm not -- I don't want to
be overly persnickety about this, and I do believe in
the PUD process, and I believe this objection is part
of working through that process, and so be it.

CO-CHAIRMAN SCHAFER: Okay. Thank you for that.
Any other final comments?
Okay.

We have a motion and a second to approve
PUD20-20 and recommend for approval SUB20-18.

ROLL CALL
CO-CHAIRMAN SCHAFER: Will the clerk please call the vote.

THE CLERK: Schafer.

CO-CHAIRMAN SCHAFER: Aye.

THE CLERK: Blanchard.

COMMISSIONER BLANCHARD: No.

THE CLERK: Mohr.

COMMISSIONER MOHR: Aye.

THE CLERK: Stevens.

COMMISSIONER STEVENS: Aye.

THE CLERK: Gillespie.

COMMISSIONER GILLESPIE: Aye.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: No.

THE CLERK: Bratnober.

COMMISSIONER BRATNOBER: Nay.

THE CLERK: Four in favor. Three opposed.

Motion carries.

(End transcription at 1:02:26 of audio file.)
July 7, 2020

Rusty Cook
Cook Brothers Construction
5204 Pierce Park Ln
Boise, ID 83703
rcook@cookbrosusa.com

Re: PUD20-00020 & SUB20-00018 / 5716 N Pierce Park Ln

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a conditional use permit for a planned residential development comprised of 6 detached single-family homes on 0.76 acres located in a R-1C (Single Family Residential) zone. Also included are preliminary and final plats for a residential subdivision comprised of 1 common and 6 buildable lots.

The Boise City Planning and Zoning Commission, at their hearing of July 6, 2020, approved your conditional use request, based on compliance with the attached Reason for the Decision and Conditions of Approval.

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

1. This conditional use approval will not take effect until after the appeal period has lapsed.

2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the hearing date. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at: http://pds.cityofboise.org/.

3. All appeals of this conditional use permit must be filed by 5:00 P.M., on July 16, 2020.

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

This letter constitutes your Conditional Use Permit.
On July 6, 2020, the Boise City Planning & Zoning Commission **recommended approval** of the Preliminary and Final Plat of the Greenbanks Subdivision to the Boise City Council, subject to compliance with the Conditions of Approval listed below.

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

Unless otherwise specified, all conditions shall be completed prior to signing of the Final Plat by the Boise City Engineer.

Questions can be directed to me at (208) 608-7089 or knelson@cityofboise.org.

Sincerely,

Karla Nelson  
Associate Planner, Current Planning and Subdivisions  
Boise City Planning and Development Services

KN/mh

cc:  Ben Semple / Rodney + Partners, PLLC / ben@reandpartners.com  
Suzanne Stone & Ester Ceja / Collister Neighborhood Association / sstone711@gmail.com; run_1@hotmail.com  
Wade Dorrell / Pierce Park Neighborhood Association / wade@dorrells.org
REASON FOR THE DECISION

Planned Unit Development
The project complies with Boise City Code Section 11-03-04.7 (Planned Unit Development). The project is compatible with the nearby residential neighborhoods, as it will consist of detached single-family homes and will have compatible like-yard setbacks. Internal setback, lot size and width reductions are included. Correspondence received from commenting agencies confirm the use will not place an undue burden on the transportation system or other services in the vicinity. The site is large enough to accommodate the use as required by the Development Code. The development will not adversely affect other property in the vicinity as it meets the density, height, and parking requirements of the zone. The development is in compliance with the Comprehensive Plan as Policies PDP1.1 and NAC 3.2 encourage infill and redevelopment within areas, such as the subject property, which is anticipated for some infill and redevelopment by the Areas of Stability and Change Map. Conditions of approval will require a public access easement to the canal as supported by Principle GDP-N.1 and Policy NW-C 1.3. Similarly, the Collister Neighborhood Plan includes policies which encourages pedestrian connectivity and the utilization of canals as amenities.

Subdivision
As further detailed in the project report and with the requested waivers the project complies with Boise City Code Section 11-03-04.4 (Subdivisions Plat). As conditioned, the submitted preliminary and final plat are consistent with the Development Code and the Comprehensive Plan.

CONDITIONS OF APPROVAL

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received April 27, 2020, except as expressly modified the following conditions:

2. The landscape buffer along Pierce Park shall contain a Class II tree every 40 feet and the trees shall be selected from the Treasure Valley Tree Selection Guide.

3. Tree mitigation details shall be provided prior to issuance of grading permits and adhered to as required by Boise City Code.

Agency Requirements

4. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:

   a. Ada County Highway District (June 2, 2020);
   b. Drainage District No. 2;
   c. Boise School District (May 13, 2020); and
d. Central District Health Department (September 16, 2019).

5. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:

   a. Drainage (May 14, 2020);
   b. Sewer Irrigation (May 8, 2020);
   c. Solid Waste (May 15, 2020); and
   d. Street Lights (May 7, 2020).

Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

6. The applicant shall comply with all requirements of the Boise Fire Department comments received May 11, 2020. Any deviation from this plan is subject to Fire Department approval. For additional information, contact Todd Callahan.

7. The applicant shall comply with all requirements of the Boise City Building Department May 14, 2020.

8. The applicant shall comply with all requirements of the Boise City Forestry Department.

**Subdivision:**

9. The following notes shall be placed on the face of the Final Plat stating:

   a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD20-00020 and SUB20-00018.

   b. The plat shall contain a depiction and plat note for a blanket ingress/egress easement for the benefit of the public through the extent of Lot 1, in the event that Drainage District #2 does not approve of the public access easement over the irrigation easement the public access easement may end at the edge of the irrigation easement.

   c. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD20-00020, at the time of issuance of individual building permits.

   d. This development is subject to the Covenants, Conditions, and Restrictions (CC&R’s) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.
e. Parking shall be restricted on the south side of the private street as well as the fire turnaround. These areas will be signed for “No Parking”.

f. The sidewalks shall be dedicated to the public for pedestrian use and access.

10. The Mylar shall include the following endorsements or certifications (I.C. Title 50, Chapter 13). These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

11. The name, **Greenbanks Subdivision**, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Engineer, the new name to the Planning and Development Services Department and re-approval by the Council of the "Revised" Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "Revised" Final Plat for public hearing.

12. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (B.C.C. 11-09-03.4E).

13. A letter of acceptance for water service from the utility providing same is required (B.C.C. 11-09-04.3).

14. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).

15. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

   Contact: Dan Frasier, Postmaster
   770 S. 13th St.
   Boise, ID 83708-0001
   Phone No. (208) 433-4301
   Fax No. (208) 433-4400
16. A letter from the appropriate school district is required stating, “The Developer has made arrangements to comply with all requirements of the School District.”

17. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

   a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied,
      OR
   b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

**NOTE:** “No Parking” signs shall be installed in accordance with the requirements of the International Fire Code (BCC 7-0-32, IFC 503.8). Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

18. Covenants, homeowners’ association by-laws or other similar deed restrictions, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces, shall be reviewed and approved by the Boise City Attorney. After recordation of the Final Plat and CC&R’s, no building permit shall be accepted until a copy of the recorded CC&R’s has been submitted to the Boise City Attorney.

19. The CC&R’s shall detail that no parking is allowed in the driveway aprons.

20. Prior to the City Engineer’s Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of the Boise City Code, is to be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

21. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

22. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District.
23. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.

a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.

b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.

c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.

24. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a “Satisfaction of Non-Building Agreement” is recorded.

25. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City. Contact Erosion Control at 208-608-7100 for more information.

**Standard Conditions of Approval**

26. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

27. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

28. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.
29. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

30. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

31. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

32. Deciduous trees shall be not less than 2” to 2 1/2” inch caliper size at the time of planting, evergreen trees 5’ to 6’ in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

33. Utility services shall be installed underground.

34. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

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

36. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

37. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.
38. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

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

40. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

41. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

42. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
PUD20-00020 & SUB20-00018 / Cook Brothers Construction

Summary
The applicant requests a conditional use permit for a planned residential development comprised of 6 detached single-family homes on 0.76 acres located at 5716 N Pierce Park Ln. in a R-1C (Single Family Residential) zone. Also included are preliminary and final plats for a residential subdivision comprised of 1 common and 6 buildable lots.

Prepared By
Karla Nelson, Associate Planner

Recommendation
Approval with conditions

Reason for the Decision
Planned Unit Development
The project complies with Boise City Code Section 11-03-04.7 (Planned Unit Development). The project is compatible with the nearby residential neighborhoods, as it will consist of detached single-family homes and will have compatible like-yard setbacks. Internal setback, lot size and width reductions are included. Correspondence received from commenting agencies confirm the use will not place an undue burden on the transportation system or other services in the vicinity. The site is large enough to accommodate the use as required by the Development Code. The development will not adversely affect other property in the vicinity as it meets the density, height, and parking requirements of the zone. The development is in compliance with the Comprehensive Plan as Policies PDP1.1 and NAC 3.2 encourage infill and redevelopment within areas, such as the subject property, which is anticipated for some infill and redevelopment by the Areas of Stability and Change Map. Conditions of approval will require a public access easement to the canal as supported by Principle GDP-N.1 and Policy NW-C 1.3. Similarly, the Collister Neighborhood Plan includes policies which encourages pedestrian connectivity and the utilization of canals as amenities.

Subdivision
As further detailed in the project report and with the requested waivers the project complies with Boise City Code Section 11-03-04.4 (Subdivisions Plat). As conditioned, the submitted preliminary and final plat are consistent with the Development Code and the Comprehensive Plan.

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online.
1. All landscaped areas shall have an automatic underground sprinkler system.

2. Water shrub twice within the first 24 hours.

3. Thin branches and foliage by typical at trees in turf areas.

4. Coordinate work schedule and observations with landscape architect prior to written approval. Alternate materials of similar size and character may be approved topsoil and soil amendments, as specified.

5. Wrap rubber cinch ties around the tree trunks and stakes using either the standard or figure eight tying method.

6. Water tree twice within the first 24 hours.

7. Wrap synthetic burlap is utilized to wrap the rootball, it shall be completely removed. Only that all trees are planted straight and that they remain straight for length of warranty period or 1 year.

8. Ornamental trees shall have 1 tree per 8,000 SF.

9. Provide approved imported topsoil, or A) obtain topsoil from local sources or from areas having similar soil texture by a recognized commercial or government agency and copies of tolerances shall be provided.

10. Reuse existing topsoil stockpiled on the site. Supplement with imported topsoil.

11. All planting beds shall have a minimum 18" depth of topsoil. Lawn areas shall have a minimum 6" depth of topsoil. Permeable paving areas shall have a minimum 4" depth of topsoil.

12. Individually valved watering stations will be designed and installed to provide precise individual station timing.

13. All planting beds shall have a minimum 18" depth of topsoil. Lawn areas shall have a minimum 6" depth of topsoil. Permeable paving areas shall have a minimum 4" depth of topsoil.

14. Reuse existing topsoil stockpiled on the site. Supplement with imported topsoil.

15. Pop-up sprinkler heads shall have a minimum riser height of 4 inches at lawn areas.

16. All plant material shall conform to the American Nurseryman Standards for type and size shown.

17. Individual valved watering stations will be designed and installed to provide precise individual station timing.

18. Provide approved imported topsoil, or A) obtain topsoil from local sources or from areas having similar soil texture by a recognized commercial or government agency and copies of tolerances shall be provided.

19. In the event of a discrepancy, notify the landscape architect immediately.

20. Ensure that all tree planting is free of toxic materials, noxious weeds, weed seeds, rocks, grass or other foreign material. Trees shall not be planted within 5'-0" of an A.C.H.D. (Buildings, sidewalks, driveways, and asphalt areas).

21. All planted ornamental trees shall be protected from Prevailing Wind.

22. It is recommended to take rootball and plant specimen cuts, rootball and plant specimen cuts, and soil cuts for all species.

23. Landscaping plants are not to be planted on center line of exit.

24. Ornamental trees shall have 1 tree per 8,000 SF.

25. Provide approved imported topsoil, or A) obtain topsoil from local sources or from areas having similar soil texture by a recognized commercial or government agency and copies of tolerances shall be provided.

26. Landscaping plans are not to be drafted on center line of exit.

27. Ornamental trees shall have 1 tree per 8,000 SF.
April 23, 2020

Planning and Development Services
City of Boise
150 N. Capitol Blvd.
Boise, Idaho 83701

Re: Greenbanks Subdivision – 5716 N. Pierce Park Ln., Boise, ID 83703 – Letter of Explanation

To Whom it May Concern,

The application before you is for a 7 lot (6 buildable, 1 common lot) preliminary and final plat for the subdivision of the parcel located at 5716 N. Pierce Park Ln., Boise, ID 83703. This application also includes a Planned Unit Development. The combined property size is 0.76 acres, which in the current R-1C zone would allow for 6 units (8 du/acre x 0.76 acres=6.08). This project is proposing 6 units, or a density of 7.89 du/acre. The land plan for this project provides for all setbacks per the R-1C zoning designation (5’ side yard, 15’ rear yard, and 20’ front yard/street setbacks to living space) on the perimeter of the project. We are utilizing the Planned Unit Development process in order to reduce some of the interior setbacks, as well as for a reduction in the lot sizes, when compared to the R-1C zone standards. The buildable lot sizes of this project will range in size from 2260 sf to 3775 sf. Interior side yard and street side setbacks are proposed to be 3’, and interior front yard setbacks would be reduced to 3’ to living space and 6’ to the garage. Any area of setback reduction occurs interior to the project, and no perimeter/exterior boundary setback reductions are requested with this application. Due to the request for the front setback reduction from the private street, the private street section is being developed with on-street parking to accommodate guests of the residents.

This project consists of 7 lots (6 buildable, 1 common lot) to be created for the construction of 6 single-family homes and shared landscaped open space. Street frontage improvements consisting of curb, gutter, and attached 7’ sidewalk will be constructed along N. Pierce Park Ln. This section matches the recently constructed street improvements along Pierce Park Lane. A 20’ wide landscape buffer is also being provided along Pierce Park Ln. A private street will be constructed as the entry off of Pierce Park Ln. The private street will be 27’ from back-of-curb to back-of-curb, allowing for on-street parking on one side for guests of the residents. The on-street parking is proposed to be along the north side of the private street and would have eight standard parking spaces and four compact spaces (parallel parking), which allow for two additional off-street parking spaces per home. The private street will also have 5’ attached sidewalks on the south side adjacent to the homes, allowing for safe pedestrian circulation and connectivity to the shared open space in the rear of the development and to the surrounding neighborhood.

One common open space will be developed with landscaping, and will provide for an on-site amenity of open lawn/picnic area for use by the residents. The common open space area is located on the east side of the development along an existing canal, which provides for shade from existing mature trees, as well as an area for lawn, additional plantings and an informal gathering area for residents of the development. Proximity to the Ridge to Rivers Trail system, as well as Pierce Park Greens Golf Course, Castle Hills Park, and the Foothills provide ample opportunity and amenities for the future residents.

On-site landscaping will be designed in combination with 6’ fencing with the privacy of existing and future residents in mind. Home designs will also be further developed to place windows/doors and private open space/yard areas away from existing neighbor’s back yards, to the maximum extent possible. The final architectural design of all homes is on-going, but the project is proposing 2-story homes that would be in compliance with the R-1C zone, as well as existing adjacent homes.
The architectural style will be designed to be complimentary to the surrounding homes in the neighborhood, as well as to the general Northwest Boise area.

We believe that this proposed development will create high-quality housing, while enhancing the surrounding existing neighborhoods by providing for the infill redevelopment of these parcels.

Please contact me directly with any questions regarding the project at 208-514-3300 or ben@reandpartners.com

Sincerely,
Rodney Evans + Partners, PLLC

[Signature]

Ben Semple, PLA
Partner, Senior Landscape Architect
PLAT SHOWING
GREENBANKS SUBDIVISION
LOCEATED WITHIN THE SE 1/4 OF THE NW 1/4 OF SECTION 19,
TOWNSHIP 4 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO
2020

BASIS OF BEARINGS
THE BASIS OF BEARINGS IS 180° NORTH IDAHO WEST ZONE PROJECTION OF NAD83
OF SECTION 19 AND THE NORTH-WEST SIXTEENTH CORNER COMMON TO SECTION 19.

LEGEND

SURVEYOR NOTES - BOISE EXAMPLE
1. REFER TO THE RECORD OF SURVEY NO. 421-19-00-0-00-00-00 FOR ADDITIONAL
   BOUNDARY INFORMATION.
2. THE EMERGENCY EXIT PROPERTY SHALL BE IN COMPLIANCE WITH THE BOISE
   DEVELOPMENT CODE OR AS SPECIFICALLY APPROVED BY THE BOISE PLANNING
   AND ZONING OFFICE.
3. LOTS SHALL NOT BE OBSCURED BY BUILDING, OR BY A BUILDING, TO THE HEALTH
   AUTHORITY.
4. ALL LOTS IN THIS SUBDIVISION ARE SINGLE FAMILY RESIDENTIAL LOTS.
5. NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE
   WATER SYSTEM APPROVED IN THE SANITARY RESTRICTION PLAT.
6. ALL LOTS ARE SUBJECT TO A PUBLIC UTILITY EASEMENT ALONG THE SUBDIVISION
   BOUNDARY AND INTERIOR LOT LINE, AS DIMENSIONED AND DEPICTED HEREIN.
7. LOT 1, BLOCK 1, IS SUBJECT TO A PERPETUAL INGRESS, EGRESS, AND UTILITY
   EASEMENT FOR THE BENEFIT OF LOTS 2 THROUGH 7, BLOCK 1. NO BUILDABLE
   LOTS MAY BE CONSTRUCTED IN THE STREET RIGHT OF WAY.
8. BUILDING STANDARDS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL
   BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF BOISE
   OR AS SPECIFICALLY APPROVED BY THE BOISE PLANNING AND ZONING OFFICE.
9. THIS SUBDIVISION IS SUBJECT TO THOSE CERTAIN DEEDS OR CONDITIONS,
   RESTRICTIONS AND PROVISIONS OF THE GREENBANKS SUBDIVISION TOGETHER
   WITH ANY FURTHER RECORDS OF AMENDMENTS TO THE SAME.
10. THE VESTING DEED FOR THIS PARCEL, (D1), CALLS OUT THE 'WESTLY BOUNDARY
   LINE OF THE RIGHT OF WAY OF THE DRAINAGE DITCH', THE 'WESTLY EASEMENT LINE
   THROUGH THE CENTER OF THE DRAINAGE DITCH' AND THE 'SURVEYED CURB LOCATED
   IN THE CENTERS OF THE CANAL AND THE WESTLY EASEMENT LINE THEREOF.'

REFERENCES
R1. RECORD OF SURVEY NO. 421-19-00-00-00-00
R2. RECORD OF SURVEY No. 557-19-00-00-00-00
R3. RECORD OF SURVEY No. 577-19-00-00-00-00
R4. RECORD OF SURVEY No. 89-19-00-00-00-00
D1. WARRANTY DEED (Miller to Niekamp Construction, Inc., 06-21-2020)
D2. ROWETING Dec. 14, 2018
D3. INTERSECT (Lot 18000000 QUIT TITLE ACTION)
D4. IDAHO POWER EASEMENT RC. 34 PG. 65-16-00025000
D5. IDAHO POWER EASEMENT 1N. 02089463 (PLATTED HEREIN)

ABBREVIATIONS
C/R CORNER RECORD INSTRUMENT NUMBER, COUNTY RECORDS
ROW RIGHT-OF-WAY
EXTENSION NUMBER
N/E/L/W NORTH, EAST, SOUTH, WEST

NARRATIVE
THE PURPOSE OF THIS SURVEY IS TO SUBDIVE THE
PROPERTY DEPICTED ON RECORD OF SURVEY No.
KNOW BY RECORD OF SURVEY NO. 55700000
FOR THE NARRATIVE ON THE EXTERIOR
BOUNDARY OF THIS SUBDIVISION PLAT.

INDEX No. 421-19-00-00-00-00
Packet Pg. 323
www.lge-geo.com
208.669.2865

Attachment: CC_Project Report_August 25, 2020_SUB20-00018  (Greenbanks Subdivision)
GREENBANKS SUBDIVISION

ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS’ ACCEPTANCE

The foregoing plat was accepted and approved by the Board of Ada County Highway District Commissioners on the ______ day of _________, 20____.

Ada County Highway District

__________________________________________
President

CERTIFICATE OF COUNTY SURVEYOR

I, the undersigned, professional land surveyor in and for Ada County, Idaho, do hereby certify that I have checked this plat and find that it complies with the State of Idaho Code relating to plats and surveys.

County Surveyor

__________________________________________
Date

APPROVAL OF CITY ENGINEER

I, _______________ city engineer in and for the City of Boise, Ada County, Idaho, hereby approve this plat.

City Engineer

__________________________________________
Date

APPROVAL OF CITY COUNCIL

I, _______________ city clerk in and for the City of Boise, Ada County, Idaho, do hereby certify that at a regular meeting of the City Council held on the ______ day of _________, 20____, this plat was duly accepted and approved.

City Clerk

__________________________________________
Date

HEALTH CERTIFICATE

“Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied. Sanitary restrictions may be reimposed, in accordance with 50-1326, Idaho Code, by the issuance of a certificate of disapproval.”

District Health Department, Rehs

__________________________________________
Date

CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer in and for Ada County, Idaho, per the requirements of I.C. 50-1308, do hereby certify that any and all current and/or delinquent county property taxes for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

__________________________________________
County Treasurer

__________________________________________
Deputy

__________________________________________
Date

COUNTY RECORDER’S CERTIFICATE

State of Idaho

County of Ada

I hereby certify that this instrument was filed for record at the request of _______________ at ____ minutes past ____ o’clock ___ M., on this ____ day of ____ 20____ in Book _____ of plats at pages ________ thru ________ as instrument _______.

__________________________________________
Deputy

Ex-Officio Recorder

__________________________________________
Date

FEE

CERTIFICATE OF SURVEYOR

This is to certify that I, Aaron P. Rush, a professional land surveyor, supervised the survey of land as described in the certificate of owners and that this plat is a true and correct representation of said survey. Designated herein as “Landsdowne Subdivision”, and that it was completed in accordance with the current laws of the State of Idaho relating to plats and surveys and with the corner perpetuation and filing law.

GEOGRAPHIC INFORMATION SYSTEMS

GEOMATICS SURVEYING MAPPING

2308 N. Cole Rd., Suite “G”, Boise, Idaho 83714

208.869.2805 www.lr-geo.com

DRAFT

04-27-2020
GREENBANKS SUBDIVISION

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS, THAT JASON ELLSWORTH, KELLI ELLSWORTH, AND COOK BROTHERS CONSTRUCTION, INC. ARE THE OWNERS OF THE REAL PROPERTY DESCRIBED AS FOLLOWS:

IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE THE ABOVE DESCRIBED PROPERTY IN THIS PLAT. PUBLIC UTILITY, IRRIGATION AND DRAINAGE EASEMENTS ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT OF ACCESS TO, AND USE OF, THESE EASEMENTS IS HEREBY RESERVED FOR PUBLIC UTILITIES, DRAINAGE AND FOR ANY OTHER USES AS MAY BE DESIGNATED HERIN AND NO PERMANENT STRUCTURES OTHER THAN FOR SAID USES ARE TO BE ERECTED WITHIN THE LIMITS OF SAID EASEMENTS:

ALL THE LOTS IN THIS SUBDIVISION WILL BE ELIGIBLE TO RECEIVE WATER SERVICE FROM SUEZ WATER IDAHO INC. SUEZ WATER IDAHO INC. HAS AGREED IN WRITING TO SERVE ALL THE LOTS IN THIS SUBDIVISION.

IN COMPLIANCE WITH THE DISCLOSURE REQUIREMENTS OF IDAHO CODE 31-3805(2), IRRIGATION WATER HAS BEEN PROVIDED FOR BY THE OWNER OR BY THE BOISE VALLEY IRRIGATION DITCH COMPANY. LOTS WITHIN THE SUBDIVISION WILL BE ASSESSED BY THE BOISE VALLEY IRRIGATION COMPANY.

By ________________________________  
MICHAEL COOK  
COOK BROTHERS CONSTRUCTION, INC.

ACKNOWLEDGEMENT

STATE OF IDAHO)  
COUNTY OF ADA)  
ON THIS ___________ DAY OF ____________, 2020 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND OF SAID STATE, PERSONALLY APPEARED MICHAEL COOK, KNOWN OR IDENTIFIED TO ME TO BE THE PRESIDENT OF COOK BROTHERS CONSTRUCTION, INC., THE PERSON WHO EXECUTED THE INSTRUMENT ON BEHALF OF SAID CORPORATION, AND ACKNOWLEDGED TO ME THAT COOK BROTHERS CONSTRUCTION, INC., EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREBY SET MY HAND AND AFFIXED MY SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

________________________________________________  
NOTARY PUBLIC  
RESIDING AT ____________________________  
COMMISSION EXPIRES _________________________

DRAFT  
04-27-2020
Packet Pg. 326

Attachment: CC_Project Report_August 25, 2020_SUB20-00018 (Greenbanks Subdivision)
1. Neighborhood Meeting Held (Date):
4/14/20

2. Neighborhood Association:
Collister

3. Comprehensive Planning Area:
Northwest

4. This application is a request to construct, add or change the use of the property as follows:
Subdivide the property into 7 lots (6 buildable, 1 common) for the construction of 6 single-family homes, private street, and associated site and landscape plans.

5. Size of Property:
0.75 Acres

6. Water Issues:
A. What are your fire flow requirements? (See International Fire Code):
1500 gpm

B. Number of hydrants (show location on site plan):
Number of Existing: 0
Number of Proposed: 0
Note: Any new hydrants/hydrant piping require Suez Water approval.

C. Is the building "sprinklered"?
Yes
No

D. What volume of water is available? (Contact SUEZ (208) 352-7354):
2500 gpm

7. Existing uses and structures on the property are as follows:
2 single-family residences

8. Are there any hazards on the property?
(Such as canals, hazardous material spills, soil or water contamination.) If so, describe them and give their locations:
Spills Bank Canal runs along the eastern property boundary

9. Adjacent property information:

<table>
<thead>
<tr>
<th>Building types and/or uses</th>
<th>Number of Stories</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: drainage pond</td>
<td>0</td>
<td>(R-1C) Single Family Resider</td>
</tr>
<tr>
<td>South: single-family res</td>
<td>2</td>
<td>(R-1C) Single Family Resider</td>
</tr>
<tr>
<td>East: Pierce Park Green</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>West: single-family res</td>
<td>2</td>
<td>(R-1C) Single Family Resider</td>
</tr>
</tbody>
</table>
### 10. Non-Residential Structures:

A. Number of **Proposed** non-residential structures: 0

Square footage of proposed non-residential structures or additions (if 5+ floors, attach narrative with chart):

<table>
<thead>
<tr>
<th>Gross Square Feet</th>
<th>Net Leasable Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Floor</td>
<td>0</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>0</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>0</td>
</tr>
<tr>
<td>4th Floor</td>
<td>0</td>
</tr>
</tbody>
</table>

B. Maximum Proposed Height: 0

C. Number of stories: 0

D. Number of **EXISTING** non-residential structures to remain: 0

Square footage of existing non-residential structures or additions (if 5+ floors, attach narrative with chart):

<table>
<thead>
<tr>
<th>Gross Square Feet</th>
<th>Net Leasable Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Floor</td>
<td>0</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>0</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>0</td>
</tr>
<tr>
<td>4th Floor</td>
<td>0</td>
</tr>
</tbody>
</table>

E. Existing Structure Height(s): 0

F. Number of Stories: 0

### 11. Residential Structures:

A. Number of **Proposed** residential units (if applicable): 6

B. Size of Proposed residential structures (if applicable):

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Square Foot per Unit</th>
<th>Total Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Bedroom:</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Two-Bedroom:</td>
<td>5</td>
<td>1966</td>
</tr>
<tr>
<td>Three-Bedroom:</td>
<td>1</td>
<td>1909</td>
</tr>
<tr>
<td>Other:</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Number:</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

C. Number of **Existing** units to remain: 0

D. Maximum Proposed Structure Height(s): 28

E. Number of Stories: 2
A. Percentage of site devoted to building coverage: 21
B. Percentage of site devoted to landscaping: 28
C. Percentage of site devoted to paving: 26
D. Percentage of site devoted to other uses: 25
E. Describe other use: individual lot landscaping/yard area

13. Loading Facilities, if proposed (For Commercial uses only):
   Number: Location
   Size: Screening

14. Parking:
   A. Handicapped Spaces:
   B. Parking Spaces:
   C. Bicycle Spaces:
   D. Proposed Compact Spaces:
   E. Restricted (assigned, garage, reserved spaces) parking spaces proposed:
   F. Are you proposing off-site parking? Yes No If yes, how many spaces?
   G. Are you requesting shared parking or a parking reduction? Yes No If yes, how many spaces?

   Note: If you are requesting shared parking or a parking reduction, you must submit a survey of persons using and working on the premises and any additional information demonstrating that use by the regular employees and visitors to the premises will require fewer off-street parking spaces than required by the Zoning Ordinance.

15. Setbacks (Plans that are not graphically dimensioned will not be accepted.)

   Building
   Proposed Required
   Parking Proposed Required
   Front: 3 20
   Rear: 15
   Side 1: 3 5
   Side 2: 3 5

16. Waivers Requested:
   A. Lot size: Yes No Description: lot sizes below the R-1C standard for lot size
   B. Internal Setbacks: Yes No Description: internal setbacks reduced on the interior side, interior street front, no setba
   C. Frontage: Yes No Description:
17. Sidewalks:
- Proposed: Attached
- Adjacent: Attached

18. Amenities:
- Number: 1
- Description: open space area for passive recreation. proxiomy to ridge-to-rivers trail system, foothills, and castle hills park

19. Density:
- Allowed Density: 8 du/acre
- Proposed Density: 7.89

20. Building Exterior:
- Roof: composite/asphalt black
- Walls: lap siding, wood, composite varies
- Windows/Doors: metal/wood varies
- Fascia, Trim etc.: metal/stone/brick/wood varies

- subsurface infiltration, conveyance to public system

22. Floodways & Hillsides:
- A. Is any portion of this property located in a Floodway or a 100-year Floodplain? Yes No
- B. Does any portion of this parcel have slopes in excess of 15%? Yes No

Note: If the answer to either of the above is yes, you will be required to submit an additional Floodplain and/or Hillside application and additional fee. You must submit the additional required application(s) for review at the same time as this request.

23. Airport Influence Area:
- Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)
  - No
  - Area A
  - Area B
  - Area B1
  - Area C
24. Street Layout:

A. PUBLIC Street Layout Review
The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) will be generally required by the Ada County Highway District, if the proposed development contains no more than 100 dwelling units (includes hotels and motels as well as private dwelling units), more than 30,000 square feet of commercial use, or more than 50,000 square feet of industrial or institutional use, or has associated it with special circumstances deemed by ACHD to warrant an impact study. A copy of this study must be submitted with this application.

Is a Traffic Impact Study required?
☑ Yes ☐ No

B. PRIVATE Street Layout Review
The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) prepared by a traffic engineer will be required by Public Works and Planning & Development Services for the interior roadway and parking system. This requirement may be waived when it can be shown by the applicant that no section of on-site roadway will exceed 240 vehicle trips per day.

Is a Traffic Impact Study required?
☑ Yes ☐ No

Are you proposing public street connection to adjacent properties?
☑ Yes ☐ No

25. Solid Waste:

A. Type of trash receptacles:
☑ Individual Can/Residential ☐ 3 Yd Dumpster ☐ 6 Yd Dumpster ☐ 8 Yd Dumpster ☐ Compactor

B. Number of trash receptacles:

C. Proposed screening method:
   garage and/or fencing/landscaping

D. Is the proposed location accessible for collection? (Contact Boise Public Works at 384-3901.)
☑ Yes ☐ No

E. Is recycling proposed?
☑ Yes ☐ No

Verification of Legal Lot or Parcel Status

Acceptance of this application does not validate the legal status of any lot or parcel. Prior to submitting for a Building Permit you must have a Verification of Legal Parcel Status form signed by the Boise City Subdivision Department. It is the applicant’s responsibility to provide deeds and/or other documentation to the Subdivision Department. See Verification of Legal Lot or Parcel Worksheet for submittal requirements.

The undersigned declares that the above provided information is true and accurate. The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongly issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature: ____________________________

Date: ____________________________
Property Information

Address

Street Number: 5716
Prefix: N
Street Name: PIERCE PARK LN
Unit #: 

Subdivision name: SEC 19 4N 2E
Block: 0
Lot: 0
Section: 19
Township: 4
Range: 2
Zoning: R-1C

Parcel Number: 50619244248
Additional Parcel Numbers:

Primary Contact

Who is responsible for receiving e-mail, uploading files and communicating with Boise City?

☐ Agent/Representative  ☐ Applicant  ☐ Owner

Applicant Information

First Name: Rusty
Last Name: Cook
Company: Cook Brothers Construction
Address: 5204 Pierce Park Ln.
City: Boise
State: ID
Zip: 83703
E-mail: rcook@cookbrosusa.com
Phone Number: (208) 901-2697
Cell: 
Fax: 

Agent/Representative Information

Role Type: ☐ Architect  ☐ Land Developer  ☐ Engineer  ☐ Contractor  ☐ Other
First Name: Ben
Last Name: Semple
Company: Rodney Evans + Partners, PLLC
Address: 1014 S. La Pointe St., Suite 3
City: Boise
State: ID
Zip: 83706
E-mail: ben@reandpartners.com
Phone Number: (208) 514-3300
Cell: (208) 340-5215
Fax: 

Owner Information

Same as Applicant? ☐ No  ☐ Yes  (If yes, leave this section blank)

First Name: 
Last Name: 
Company: 
Address: 
City: 
State: ID
Zip: 
E-mail: 
Phone Number: 
Cell: 
Fax: 

Attachment: CC_Project Report_August 25, 2020_SUB20-00018 (Greenbanks Subdivision)
2. Proposed Subdivision/Condominium Name:
Greenbanks Subdivision

Note: Must be approved by the Ada County Surveyor.

3. Cross Reference Files:
Please list all previously approved or currently associated file(s):
PUD20-00020

4. Subdivision/Condominium Features:
Number of buildable lots/units: 6
Buildable lots/units per acre: 7.89
Number of common lots/units: 1
Zoning Classification: R-1C
Total acres in subdivision: 0.76

5. Building Program:
Number of Existing Buildings: 2
Number of Existing Buildings to Remain: 0
Type of Existing Buildings:
- Residential
- Commercial
- Industrial
- Mixed Use

If Residential What Type? Single Family

Type of Proposed Buildings:
- Residential
- Commercial
- Industrial
- Mixed Use

If Residential What Type? Single Family

6. Waivers or Modifications:
Are any waivers/modifications being requested from the Subdivision Ordinance? Yes No

If yes, please include a detailed explanation in your letter.
An additional waiver/modification review fee must be paid at the time of submittal.

7. Private Streets:
Are private streets proposed? Yes No

If yes, please provide justification in the letter of explanation.
An additional private street review fee must be paid at the time of submittal.
8. Public Streets:
   Number of new public streets proposed: 

9. Floodways & Hillsides:
   Is any portion of this property located in a Floodway or a 100-year Floodplain?  
   ○ Yes  ○ No

   Does any portion of this parcel have slopes in excess of 15%?  
   ○ Yes  ○ No

   **Note:** If the answer to either of the above is yes, you will be required to submit an additional #112 Floodplain and/or #114 Hillside application and additional fee.

11. Airport Influence Area:
   Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)
   ○ No  ○ Area A  ○ Area B  ○ Area B1  ○ Area C

The undersigned declares that the above provided information is true and accurate.
The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature: ____________________________

Date: ____________________________
Planning Division Project Report

File Number: PUD20-00020 & SUB20-00018
Applicant: Rusty Cook / Cook Brothers Construction
Property Address: 5716 Pierce Park Ln.
Public Hearing Date: July 6, 2020
Heard by: Planning and Zoning Commission
Analyst: Karla Nelson, Associate Planner
Reviewed By: Céline Acord, Current Planning Manager

Public Notification
Neighborhood meeting conducted on: April 14, 2020
Radius notices mailed to properties within 300 feet on: June 21, 2020
Newspaper notification published on: June 21, 2020
Applicant posted notice on site on: June 18, 2020

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Exhibits
Agency Comments
1. Project Data and Facts

<table>
<thead>
<tr>
<th>Project Data</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner</td>
<td>Rusty Cook / Cook Brothers Construction</td>
</tr>
<tr>
<td>Architect/Representative</td>
<td>Ben Semple / Rodney Evans + Partners, PLLC</td>
</tr>
<tr>
<td>Location of Property</td>
<td>5716 N Pierce Park Ln.</td>
</tr>
<tr>
<td>Size of Property</td>
<td>0.75 acres</td>
</tr>
<tr>
<td>Zoning</td>
<td>R-1C (Single Family Residential)</td>
</tr>
<tr>
<td>Land Use Designation</td>
<td>Large Lot / Rural</td>
</tr>
<tr>
<td>Planning Area</td>
<td>Northwest</td>
</tr>
<tr>
<td>Neighborhood Assoc./Contact</td>
<td>Collister / Suzanne Stone</td>
</tr>
<tr>
<td>Procedure</td>
<td>The Planning and Zoning Commission renders a final decision on the conditional use permit and makes a recommendation to the City Council on the subdivision.</td>
</tr>
</tbody>
</table>

Current Land Use
Two Single-Family Homes and a Detached Carport

Description of Applicant's Request
The applicant requests a conditional use permit for a planned residential development comprised of 6 detached single-family homes. Also included are Preliminary and Final Plats for a residential subdivision comprised of 1 common and 6 buildable lots.

2. Land Use

Description and Character of Surrounding Area
The area is mostly single-family residential on various sized lots. A 9-hole golf course is directly to the east across the Spoil Banks Canal and the project is approximately 0.3 miles south of Hill Road. The State Street Corridor with premium bus service and a variety of commercial establishments is 0.75 miles to the south.

Adjacent Land Uses and Zoning

<table>
<thead>
<tr>
<th>North</th>
<th>ACHD Drainage Yard / R-1C</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Single-Family Dwelling / R-1C</td>
</tr>
<tr>
<td>East</td>
<td>Spoil Banks Canal then 9-Hole Golf Course / RUT (Rural-Urban Transition) in Ada County</td>
</tr>
<tr>
<td>West</td>
<td>Pierce Park Ln., Boise City Fire Department Property, then Single Family Dwellings / R-1C</td>
</tr>
</tbody>
</table>

History of Previous Actions
None
3. Project Proposal

Structure(s) Design

<table>
<thead>
<tr>
<th>Number and Proposed Use of Buildings</th>
<th>6 detached single-family homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Stories / Maximum Building Height</td>
<td>2 Stories / Approximately 28’ in height</td>
</tr>
</tbody>
</table>

Fencing

A 6-foot tall closed vision wood fence will be located along the north and south property line as well as the eastern boundary of Lot 7.

PUD Required Open Space

Over 100 square feet of open space is provided for each dwelling unit.

Setbacks

All perimeter setbacks are being met or exceeded. The interior setback reductions are noted below with asterisks:

Lots 2-3, 5-7

<table>
<thead>
<tr>
<th>Yard</th>
<th>Building Required</th>
<th>Building Proposed</th>
<th>Parking Required</th>
<th>Parking Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (north)</td>
<td>15’</td>
<td>3’*</td>
<td>20’</td>
<td>6’*</td>
</tr>
<tr>
<td>Side (east)</td>
<td>5’</td>
<td>3’*</td>
<td>5’</td>
<td>3’*</td>
</tr>
<tr>
<td>Side (west)</td>
<td>5’</td>
<td>3’*</td>
<td>5’</td>
<td>&gt;5’</td>
</tr>
<tr>
<td>Rear (south)</td>
<td>15’</td>
<td>15’</td>
<td>15’</td>
<td>&gt;15’</td>
</tr>
</tbody>
</table>

Lot 4

<table>
<thead>
<tr>
<th>Yard</th>
<th>Building Required</th>
<th>Building Proposed</th>
<th>Parking Required</th>
<th>Parking Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (north)</td>
<td>15’</td>
<td>3’*</td>
<td>20’</td>
<td>6’*</td>
</tr>
<tr>
<td>Side (east)</td>
<td>5’</td>
<td>3’*</td>
<td>5’</td>
<td>+5’</td>
</tr>
<tr>
<td>Side (west)</td>
<td>5’</td>
<td>3’*</td>
<td>5’</td>
<td>3’*</td>
</tr>
<tr>
<td>Rear (south)</td>
<td>15’</td>
<td>15’</td>
<td>15’</td>
<td>+15’</td>
</tr>
</tbody>
</table>

*Interior setback reductions proposed.

Parking

Two off-street parking spaces will be provided within enclosed garages for each new single-family home. The garages are proposed to only be setback 6’ from the edge of the back of sidewalk along the private street, which will not allow for parking on the driveway apron. The private street will accommodate one side of on-street parking for guests, or approximately 10 parking spaces, for the 6 proposed dwellings.
4. Development Code *(Boise City Code Title 11)*

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-03-04.4</td>
<td>Subdivision Plat Specific Procedures</td>
</tr>
<tr>
<td>11-03-04.7</td>
<td>Planned Unit Development Specific Procedures</td>
</tr>
<tr>
<td>11-04-03</td>
<td>General Purpose of Residential Districts</td>
</tr>
<tr>
<td>11-07-03</td>
<td>Off-Street Parking &amp; Loading Standards</td>
</tr>
<tr>
<td>11-07-06.5</td>
<td>Planned Unit Development Standards</td>
</tr>
<tr>
<td>11-09-03</td>
<td>Subdivision Design Standards</td>
</tr>
</tbody>
</table>

5. Comprehensive Plan *(Blueprint Boise)*

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Goals, Objectives &amp; Policies</th>
</tr>
</thead>
</table>
| Chapter 2: City Wide Visions and Policies | Principle ES1.4: Development Patterns  
Principle PDP1.1: Infill Priority Areas  
Policy NAC3.1(a): Infill Scale and Character  
Policy NAC3.2: Areas of Change and Stability  
Goal CC1.1: Reduce Vehicle Miles Traveled |
| Chapter 3: Community Structure and Design | Principle GDP-N.1: Connectivity  
Principle GDP-N.8: Preservation of Natural Features |
| Chapter 4: Northwest Planning Area Policies | Policy NW-CCN 1.3: Neighborhoods  
Policy NW-C 1.3: Pedestrian/ Vehicle Connections |

Collister Neighborhood Plan *(2007)*

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Goals, Objectives &amp; Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 2: Public Facilities</td>
<td>Objective 3.2: Canals as Amenities</td>
</tr>
<tr>
<td>Chapter 5: Parks &amp; Recreation</td>
<td>Objective 5.1: Diversity of Trees along ROW</td>
</tr>
<tr>
<td>Chapter 6: Transportation</td>
<td>Policy 3: Pedestrian Connections</td>
</tr>
</tbody>
</table>
| Chapter 8: Land Use | Objective 5.1: Infill provide Mixture of Styles  
Objective 5.2: Infill Relate to Scale and Character |

6. Transportation Data

As noted in their report, the Ada County Highway District approved the project as proposed. A condition of approval will require a permanent sidewalk easement extending 2-feet past the back of sidewalk on Pierce Park Ln. This development is estimated to generate 38 vehicle trips per day (19 existing); and 4 additional vehicle trips per hour in the PM peak hour (2 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 10th edition. The average daily traffic count for Pierce Park Ln. north of Foggy Bottom was 4,463 on May 2, 2018.

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>PM Peak Traffic Count</th>
<th>Level of Service*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pierce Park Ln.</td>
<td>100'</td>
<td>Collector</td>
<td>248</td>
<td>Better than “D”</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a two-lane collector is “D” (425 VPH).
7. Analysis

The applicant requests a conditional use permit for a planned residential development comprised of 6 detached single-family homes on 0.76 acres located at 5716 N Pierce Park Ln. in a R-1C (Single Family Residential) zone. Also included are Preliminary and Final Plats for a residential subdivision comprised of 1 common and 6 buildable lots.

The site is bordered by the Spoil Banks Canal and a 9-hole golf course to the east, an ACHD drainage lot to the north, a large residential lot to the south, and Pierce Park Ln., a Collector Roadway. To the west of Pierce Park Ln. are residential subdivisions. The project is approximately 0.3 miles south of Hill Road and 0.75 miles north of State Street.

Planned Unit Development

The site is large enough to accommodate the 6 detached single-family homes on the property, which at 7.89 dwelling units/acre is within the allowed density of the R-1C zone (8 dwelling units/acre). The planned unit development is requesting waivers to the dimensional standards of the Subdivision Ordinance and has proposed some reduced interior setbacks as noted in the previous setback tables. It also includes reduced lot sizes of approximately 2,260 square feet minimum and reduced lot widths of 36’, rather than the required 5,000 square feet and 50’ lot widths in the R-1C zone. The Planning Team is in support of these requests as they are interior to the development and given the narrowness of the lot are necessary to create more useable building envelopes, without adversely impacting the adjacent properties. The development is under one acre in size, removing the requirement for amenities. However, each single-family home will have private rear yards at a minimum size of 540 square feet, exceeding the 100 square feet of open space requirement. The site is also 0.3 miles from Hill Road, 0.75 miles for the State Street corridor and in close proximity to the Ridge to Rivers Trail system.

Site access will be provided by way of a 27’ wide private street with a 20’ wide turnaround, which has been approved by the Boise City Fire Department. Due to the limited width of the private street, on-street parking will be restricted to one side only. A note on the final plat is required noting the parking restriction and ‘No Parking’ signs shall be installed. Curb, gutter and 5’ wide, attached sidewalk is proposed on the south side.
of the private street and a 5’ landscape strip will separate the development from the ACHD drainage lot to the north. Two off-street parking spaces will be provided within enclosed garages for each new single-family home. The garage doors for each of the lots will be setback 6’ from the edge of the back of sidewalk along the private lane. Approximately 10 guest parking spaces can be accommodated along the north side of the private street.

The landscape plan details a 20’ wide landscape buffer along Pierce Park Ln., a condition of approval will require class II trees be planted every 40 feet along the landscape buffer and these trees shall be selected from the Treasure Valley Tree Selection Guide. Landscaped common space with grass, trees and shrubs is also proposed within the Spoil Banks Canal easement and at the southern end of the fire turn-around. Based on the application submittal, it is unclear how many existing trees will be maintained on site. A condition of approval will require that tree mitigation details be provided prior to issuance of grading permits. The detached single-family homes will be partially screened from the public right-of-way with the landscape buffer. The façade facing Pierce Park Ln. on Lot 2 does not provide a street facing entry but will offer windows and material changes. Four of the homes include a small second story balcony overlooking the private lane, and all include living areas which have been pulled closer to the street, resulting in modulated facades that minimize the front-loaded garages (Figure 3).

Figure 2: Site Plan

Figure 3: Elevations

Façade Facing Pierce Park Ln.
Subdivision and Connectivity
The request includes a preliminary and final plat for a residential subdivision comprised of 6 buildable and 1 common lots. The applicant intends to improve the frontage with a 7' wide attached sidewalk, curb and gutter which is consistent with improvements constructed along this section of Pierce Park Ln. These improvements will help to connect future residents to the #10 bus route which is 0.4 miles to the south.

The applicant has proposed a private street for the development as the standard 47' width of a public road in combination with periphery setbacks would further restrict the building envelopes of the project on this narrow lot. Furthermore, correspondence with ACHD confirmed that a public roadway would not meet offset requirements from Saxton Avenue to the south. Greater connectivity can be provided through the area if the golf course redevelops as depicted in Figure 4.

The proposed site design with a 27' private street and sidewalk on one side requires a waiver to the Subdivision Ordinance as a private street width of 28' with sidewalk on both sides is required for a development of this size. The Planning Team recommends approval of the waiver since the lot width of 100' cannot accommodate common building envelopes and adequate periphery setbacks while also allowing for a 28' private street with 5' sidewalks on both sides. Providing sidewalk on the side closest to the homes will allow for convenient pedestrian access for future residents. A condition of approval will require that a note and depiction be added to the subdivision plat to allow for a blanket public access easement through the extent of the common lot (Figure 5) which includes the private street and irrigation easement along the Spoil Banks Canal. If conditions change, and if roadway connections are not realized to the north, at the golf course entrance, a blanket public access easement leaves open the opportunity for a public roadway in this location in the future. Similarly, it will allow for pedestrian access through the site and to the canal and will allow for an eventual pedestrian crossing over the canal if warranted. Extending the easement over the existing irrigation easement will require approval from the Drainage District No. 2 board, if approval is not granted the condition
will allow the blanket public access easement to end at the irrigation easement. Finally, the easement would also extend through the fire-turnaround to allow for connectivity if the lot to the south redevelops. It is expected that a future canal pathway will be developed on the north side of the canal if the 9-hole golf course redevelops and these conditions will ensure flexibility and access in this location for a future canal crossing or pathway, if needed. This future pathway along the north side of the canal would provide a direct bicycle and pedestrian connection to Castle Hills Park along with many other destinations along its route.

![Figure 5: Access Easement](image)

With the recommended conditions of approval that will allow for vehicle, pedestrian and bicycle access through the site the Planning Team is supportive of the subdivision waiver requests.

**Summary**
With the recommended conditions of approval, and as detailed below in the approval criteria the Planning Team recommends approval of the proposal.

**8. Approval Criteria**

**Planned Unit Development (11-03-04.07(C7))**

i. **The location is compatible to other uses in the general neighborhood;**

The project is compatible with the surrounding neighborhood. The site is bordered by a 9-hole golf course, ACHD drainage lot, a large residential lot which could redevelop and Pierce Park Ln., a collector roadway. To the west of Pierce Park Ln. are residential subdivisions. The project is approximately 0.3 miles south of Hill Road and near the Ridge to Rivers Trail system. The State Street Corridor with premium bus service and a variety of commercial establishments is 0.75 miles to the south. While the proposal, at 7.89 dwelling units per acre, is higher in density than many of the nearby subdivisions it is within the allowed density of the R-1C zoning district and will provide compatible periphery setbacks. Only internal setbacks, lot size and width reductions are proposed. While this development is indeed a change in use for the adjacent properties, features within the design such as 6’ tall solid wood perimeter fencing, and public access considerations will ensure that the development will be
compatible with current and future uses in the neighborhood.

ii. The proposed use will not place an undue burden on transportation and other public facilities in the vicinity;

Correspondence received from commenting agencies confirm the proposed use will not place an undue burden on the transportation system or other services in the vicinity. The 27’ wide private lane with a fire turnaround, has been approved by the Boise City Fire Department. Due to the limited width of the private lane, on-street parking will be restricted to one side only. A note on the face of the final plat is required noting the parking restriction and ‘No Parking’ signs shall be installed. Parking will also be restricted on the 6’ long driveway aprons and enforced through the CC&R’s. Adequate guest parking will be accommodated on the north side of the private lane. As indicated in attached comments, no public agency has voiced opposition to this request. The standard conditions of each have been included as conditions of approval. The Planning Team recommends that a blanket public access easement be depicted and noted on the plat for the extent of Lot 1 to ensure adequate future connectivity.

iii. The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls, fences, parking, loading, landscaping, and such other features as are required by this Code;

The site is large enough to accommodate the use as 6 units are proposed and the property has a maximum density of 6 dwelling units within the R-1C zone. Adequate parking will be provided as each single-family home will provide two off-street parking spaces within enclosed garages and approximately 10 on-street parking spaces can be accommodated on the north side of the private street for guests. The proposed development complies with or exceeds all exterior setback requirements of the R-1C zone. Over 100 square feet of private open space is provided for each dwelling unit. 7’ wide attached sidewalks, curb and gutter will be extended along Pierce Park Ln. along with a 20’ wide landscape buffer. Additional open space will be provided within the Spoil Banks Canal easement. The Planning Team supports the requested waiver to the subdivision ordinance to allow for a 27” wide private street with sidewalk on one side rather than the required 28’ width street with sidewalk on both sides. The lot width of 100’ cannot accommodate the full private street section while providing adequate periphery setbacks and building envelopes. 6’ tall closed vision wood fencing will be located along the north and south property lines.

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

The proposed development will not adversely affect other property in the vicinity, as the homes will comply with the height requirements of the R-1C zone and match or exceed all like-yards perimeter setbacks of the adjacent properties. This proposed residential development is comprised of detached single-family homes, which are
similar to the existing residential neighborhoods in the area. Requiring vehicle, pedestrian and bicycle access through Lot 1 will allow for future connectivity opportunities in this area that will benefit neighboring properties and residents.

v. **The proposed use is in compliance with the Comprehensive Plan.**

The proposed development is supported by the Comprehensive Plan. Policies PDP1.1 and NAC 3.2 encourage infill and redevelopment within areas such as the subject property which are anticipated for some infill and redevelopment by the Areas of Stability and Change Map. Goal CC1.1 also encourages infill development in order to reduce vehicle miles traveled and avoid costly extensions of transportation infrastructure. The development will be only 0.75 miles from State Street a major transportation corridor with bus service and a wide range of commercial services. The recommended conditions of approval which would require vehicle and pedestrian cross access to the canal are all supported by Principle GDP-N.1 and Policy NW-C 1.3. Similarly, the Collister Neighborhood Plan includes policies which encourage pedestrian connectivity and the use of canals as amenities. Including public access to the canal with potential for a future connection would be an amenity for this development and the greater neighborhood.

### 9. Recommended Conditions of Approval

**Site Specific**

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received **April 27, 2020**, except as expressly modified the following conditions:

2. The landscape buffer along Pierce Park shall contain a Class II tree every 40 feet and the trees shall be selected from the [Treasure Valley Tree Selection Guide](#).

3. Tree mitigation details shall be provided prior to issuance of grading permits and adhered to as required by Boise City Code.

**Agency Requirements**

4. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:

   a. Ada County Highway District (**June 2, 2020**);
   b. Drainage District No. 2;
   c. Boise School District (**May 13, 2020** and **September 16, 2019**).
5. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:
   a. Drainage (May 14, 2020);
   b. Sewer Irrigation (May 8, 2020);
   c. Solid Waste (May 15, 2020); and
   d. Street Lights (May 7, 2020).

Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

6. The applicant shall comply with all requirements of the Boise Fire Department comments received May 11, 2020. Any deviation from this plan is subject to Fire Department approval. For additional information, contact Todd Callahan.

7. The applicant shall comply with all requirements of the Boise City Building Department May 14, 2020.

8. The applicant shall comply with all requirements of the Boise City Forestry Department.

**Subdivision:**

9. The following notes shall be placed on the face of the Final Plat stating:
   a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD20-00020 and SUB20-00018.
   b. The plat shall contain a depiction and plat note for a blanket ingress/egress easement for the benefit of the public through the extent of Lot 1, in the event that Drainage District #2 does not approve of the public access easement over the irrigation easement the public access easement may end at the edge of the irrigation easement.
   c. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD20-00020, at the time of issuance of individual building permits.
   d. This development is subject to the Covenants, Conditions, and Restrictions (CC&R’s) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.
e. Parking shall be restricted on the south side of the private street as well as
the fire turnaround. These areas will be signed for “No Parking”.

f. The sidewalks shall be dedicated to the public for pedestrian use and
access.

10. The Mylar shall include the following endorsements or certifications (I.C. Title 50,
Chapter 13). These must be executed prior to submitting the Final Plat for recording
with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

11. The name, Greenbanks Subdivision, is reserved and shall not be changed unless
there is a change in ownership, at which time, the new owner(s) shall submit their
new name to the Ada County Engineer for review and reservation. Should a
change in name occur the applicant shall submit, in writing from the Ada County
Engineer, the new name to the Planning and Development Services Department
and re-approval by the Council of the “Revised” Final Plat shall be required. The
developer and/or owner shall submit all items including fees, as required by the
Planning and Development Services Department, prior to scheduling the “Revised”
Final Plat for public hearing.

12. Correct street names as approved by the Ada County Street Name Committee
shall be placed on the plat (B.C.C. 11-09-03.4E).

13. A letter of acceptance for water service from the utility providing same is required
(B.C.C. 11-09-04.3).

14. Developer shall provide utility easements as required by the public utility providing
service (B.C.C. 11-09-03.6).

15. Developer shall provide a letter from the United States Postal Service stating, “The
Developer and/or Owner has received approval for location of mailboxes by the
United States Postal Service.”

Contact: Dan Frasier, Postmaster
770 S. 13th St.
Boise, ID 83708-0001
Phone No. (208) 433-4301
16. A letter from the appropriate school district is required stating, “The Developer has made arrangements to comply with all requirements of the School District.”

17. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

   a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied, OR

   b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

   NOTE: “No Parking” signs shall be installed in accordance with the requirements of the International Fire Code (BCC 7.0.32, IFC 503.8). Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

18. Covenants, homeowners’ association by-laws or other similar deed restrictions, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces, shall be reviewed and approved by the Boise City Attorney. After recordation of the Final Plat and CC&R’s, no building permit shall be accepted until a copy of the recorded CC&R’s has been submitted to the Boise City Attorney.

19. The CC&R’s shall detail that no parking is allowed in the driveway aprons.

20. Prior to the City Engineer’s Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of the Boise City Code, is to be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

21. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

22. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District.
23. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.

   a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.

   b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.

   c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer's signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.

24. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a “Satisfaction of Non-Building Agreement” is recorded.

25. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City. Contact Erosion Control at 208-608-7100 for more information.

**Standard Conditions of Approval**

26. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

27. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

28. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.
29. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

30. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

31. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

32. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

33. Utility services shall be installed underground.

34. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

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

36. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

37. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.
38. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

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

40. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

41. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

42. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
Project/File: Greenbanks/ BPP20-0014/ SUB20-00018/ PUD20-00020
This is a planned unit development and a preliminary plat application to allow for the development of a 7-lot residential subdivision on 0.8 acres.

Lead Agency: City of Boise
Site address: 5716 N. Pierce Park Lane
Staff Approval: June 2, 2020
Applicant: Rusty Cook
Cook Brothers Construction
5204 N. Pierce Park Lane
Boise, ID 83703

Representative: Ben Semple
Rodney Evans + Partners
1014 S. La Pointe Street, Suite 3
Boise, ID 83706

Staff Contact: Dawn Battles
Phone: 387-6218
E-mail: dbattles@achdidaho.org

A. Findings of Fact
1. Description of Application: The applicant is requesting approval for a planned unit development and a preliminary plat consisting of 6 residential lots and 1 common lot on 0.8 acres.

The applicant’s proposal is consistent with the City of Boise’s future land use map which calls for suburban neighborhoods in this area.

2. Description of Adjacent Surrounding Area:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Family Residential, Urban</td>
<td>R-1C</td>
</tr>
<tr>
<td>South</td>
<td>Single Family Residential, Urban</td>
<td>R-1C</td>
</tr>
<tr>
<td>East</td>
<td>Rural-Urban Transition</td>
<td>RUT</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Residential, Urban</td>
<td>R-1C</td>
</tr>
</tbody>
</table>

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

4. Transit: Transit services are available to serve this site, via route 10.

5. New Center Lane Miles: The proposed development includes 0 centerline miles of new public road.
6. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.

7. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
   - State Street is scheduled in the IFYWP to be widened to 7-lanes from Pierce Park Lane to Collister Drive with an undetermined date.

**B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 38 vehicle trips per day (19 existing); 4 additional vehicle trips per hour in the PM peak hour (2 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 10th edition.

2. **Condition of Area Roadways**
   Traffic Count is based on Vehicles per hour (VPH)

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>PM Peak Hour Traffic Count</th>
<th>PM Peak Hour Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pierce Park Lane</td>
<td>100-feet</td>
<td>Collector</td>
<td>248</td>
<td>Better than “D”</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a two-lane collector is “D” (425 VPH).

3. **Average Daily Traffic Count (VDT)**
   *Average daily traffic counts are based on ACHD’s most current traffic counts.*
   - The average daily traffic count for Pierce Park Lane north of Foggy Bottom was 4,463 on May 2, 2018.

**C. Findings for Consideration**

1. **Pierce Park Lane**
   a. **Existing Conditions:** Pierce Park Lane is improved with 2-travel lanes, 31-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 55-feet of right-of-way for Pierce Park Lane (30-feet from centerline).
   b. **Policy:**
      - **Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

      **Master Street Map and Typologies Policy:** District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

      **Street Section and Right-of-Way Policy:** District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.
The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

**Residential Collector Policy:** District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

**Sidewalk Policy:** District policy 7206.5.6 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District’s planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Pierce Park Lane is designated in the MSM as a Residential Collector with 3-lanes and on-street bike lanes, a 47-foot street section within 70-feet of right-of-way.

c. **Applicant Proposal:** The applicant is proposing to construct Pierce Park Lane as ½ of a 36-foot collector roadway with vertical curb, gutter and 7-foot wide attached sidewalk abutting the site.

d. **Staff Comments/Recommendations:** The applicant’s should be required to construct Pierce Park Lane as ½ of a 47-foot street section with vertical curb, gutter and 7-foot wide attached concrete sidewalk abutting the site consistent with the requirements of Belmar Estates and Culver Subdivision located north of the site.

The applicant should be required to dedicate right-of-way on Pierce Park Lane to 2-feet behind back of sidewalk abutting the site.

If the applicant constructs a detached sidewalk, the sidewalk can be constructed in a permanent easement to 2-feet behind back of sidewalk. The sidewalk shall be located wholly within the right-of-way or wholly within an easement.
2. Private Roads
   a. Private Road Policy: District policy 7212.1 states that the lead land use agencies in Ada County establish the requirements for private streets. The District retains authority and will review the proposed intersection of a private and public street for compliance with District intersection policies and standards. The private road should have the following requirements:
      - Designed to discourage through traffic between two public streets,
      - Graded to drain away from the public street intersection, and
      - If a private road is gated, the gate or keypad (if applicable) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

   Driveway Location Policy (Stop Controlled Intersection): District policy 7206.4.4 requires driveways located on collector roadways near a STOP controlled intersection to be located outside of the area of influence; OR a minimum of 150-feet from the intersection, whichever is greater. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

   Successive Driveways: District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 35 MPH and daily traffic volumes less than 100 VTD to align or offset a minimum of 150-feet from any existing or proposed driveway.

   Driveway Width Policy: District policy 7206.4.6 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

   Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7206.4.6, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7206.4.6.

   b. Applicant Proposal: The applicant is proposing to reconstruct the exiting driveway as a 27-foot wide private road/driveway from the site onto Pierce Park Lane located 232-feet north of Saxton Avenue and 203-feet north of an existing driveway.

   c. Staff Comments/Recommendations: The applicant’s proposal to reconstruct the existing driveway as a 27-foot wide driveway/private road meets District policy and should be approved as proposed.

   If the City of Boise approves the private road, the applicant shall be required to pave the private roadway its full width and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Boise, the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations.

   Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

   ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.
The following requirements must be met if the applicant wishes to dedicate the roadway to ACHD:

- Dedicate a minimum of 50-feet of right-of-way for the road.
- Construct the roadway to the minimum ACHD requirements.
- Construct a stub street to the surrounding parcels.

3. **Tree Planters**

   **Tree Planter Policy:** Tree Planter Policy: The District’s Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

4. **Landscaping**

   **Landscaping Policy:** A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

5. **Other Access**

   Pierce Park Lane is classified as a collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

D. **Site Specific Conditions of Approval**

1. Construct Pierce Park Lane as ½ of a 47-foot street section with vertical curb, gutter and 7-foot wide attached concrete sidewalk abutting the site.

2. Dedicate right-of-way on Pierce Park Lane to 2-feet behind back of sidewalk abutting the site.

3. Provide a permanent easement to 2-feet behind back of sidewalk for any sidewalk placed outside of the dedicated right-of-way. The sidewalk shall be located wholly within the right-of-way or wholly within an easement.

4. Reconstruct the existing driveway as a 27-foot wide driveway/private road from the site onto Pierce Park Lane located 232-feet north of Saxton Avenue and 203-feet north of an existing driveway.

5. Pave the driveway/private roadway its full width and at least 30-feet into the site beyond the edge of pavement of Pierce Park Lane.

6. Provide street name and stop sign for the driveway/private road.

7. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.

8. Payment of impact fees is due prior to issuance of a building permit.


E. **Standard Conditions of Approval**
1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).

2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.

3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant’s engineer should provide documentation of ADA compliance to District Development Review staff for review.

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

5. A license agreement and compliance with the District’s Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.

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

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

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

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

10. Construction use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.

11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant’s authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.

2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.
G. Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal Guidelines
Ada County Utility Coordinating Council

Developer/Local Improvement District
Right of Way Improvements Guideline Request

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

1) Notification: Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.

2) Plan Review: The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.

3) Revisions: The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.

4) Final Notification: The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

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

**Items Completed to Date:**

☑ Submit a development application to a City or to Ada County
☑ The City or the County will transmit the development application to ACHD
☑ The ACHD Planning Review Section will receive the development application to review
☑ The Planning Review Section will do one of the following:
  - Send a "No Review" letter to the applicant stating that there are no site specific conditions of approval at this time.
  - Write a Staff Level report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
  - Write a Commission Level report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

**Items to be completed by Applicant:**

☐ For ALL development applications, including those receiving a "No Review" letter:
  - The applicant should submit one set of engineered plans directly to ACHD for review by the Development Review Section for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
  - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.

☐ Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

**DID YOU REMEMBER:**

*Construction (Non-Subdivisions)*

☐ Driveway or Property Approach(s)
  - Submit a “Driveway Approach Request” form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

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

*Construction (Subdivisions)*

☐ Sediment & Erosion Submittal
  - At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

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

☐ Final Approval from Development Services is required prior to scheduling a Pre-Con.
Request for Appeal of Staff Decision

1. Appeal of Staff Decision: The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

   a. Filing Fee: The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

   b. Initiation: An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

   c. Time to Reply: The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

   d. Notice of Hearing: Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager’s reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

   e. Action by Commission: Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.
DATE: May 13, 2020

TO: PDSTransmittals@cityofboise.org

FROM: Lanette Daw, Supervisor, Traffic Safety and Transportation

RE: SUB20-00018 & PUD20-00020 – Greenbanks Subdivision

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

The schools currently assigned to the proposed project area are:

- Elementary School: Pierce Park
- Junior High School: Riverglen
- High School: Capital

Comments Regarding Traffic Impact: None

Comments Regarding Safe Routes to School Impact: None

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

INTER-DEPARTMENT
CORRESPONDENCE

Date: May 8, 2020

To: Planning and Development Services

From: Mike Sheppard, P.E., Civil Engineer II
Public Works Department

Subject: SUB20-00018; 5716 N Pierce Park Lane; Sewer Irrigation Sub Comments

1. STANDARD IRRIGATION CONDITIONS

   a. Comply with B.C.C. 11-09-04.11 concerning pressure irrigation requirements prior to
      signing of the final plat by the Boise City Engineer.
      1. The owner, person, firm or corporation filing the subdivision plat shall provide a
         pressurized irrigation system. The system must conform to the minimum design
         standards and specifications of Boise City, or of the entity that will operate and
         maintain the system, if that entity has published standards; or
      2. The owner, person, firm or corporation filing the subdivision plat shall provide
         written documentation that a valid waiver of the requirement to provide a pressure
         irrigation system and that Idaho Code 31-3805(1)(a) regarding transfer of water
         rights, has been complied with.
   b. Prior to either commencing construction or signing of the final plat by the Boise City
      Engineer, developer shall:
      1. Submit for approval by the Department of Public Works, construction plans and
         specifications for the pressurized system, stamped by a registered engineer.
      2. Provide written assurance that provisions have been made for ownership, operation,
         and maintenance of the system.
      3. Delineate all necessary irrigation easements on the final plat (B.C.C. 11-09-03.6).
   c. Developer shall provide for an independent inspection of the installation of irrigation
      facilities and written certification by the design or project engineer that the system was
      installed according to the approved plans. In addition, the Department of Public Works must
      be present for the system pressure test and participate in a final inspection.
   d. Developer may construct prior to final platting or bond in the amount of 110% of the
      estimated construction costs based on the approved plans.
e. **Fees**: Developer and/or owner shall pay the current inspection and plan review fees applicable to the proposed subdivision prior to signing of the final plat by the Boise City Engineer (B.C.C. 11-03-03.3.B.).

2. **STANDARD SEWER CONDITIONS**

   **City Subdivision Conditions**

   a. Wetline sewers are required (B.C.C. 11-09-04.4., *Required Improvements; Sanitary Sewer*).
      1. Plans shall be submitted to and approved by the Boise City Department of Public Works prior to commencing with construction. Developer and/or owner may either construct improvements prior to final platting or execute a performance agreement and provide surety in the amount of 110% of the estimated costs. The developer and/or owner shall coordinate with the Department of Public Works for construction inspection prior to and during construction. Unless otherwise approved by the Public Works Department, all sewer construction shall be completed and accepted within 90 days of plat recordation, or within 30 days of issuance of the first building permit within the subdivision, whichever comes first.

   **NOTE**: All bonding shall conform to Boise City Code 1-19, *Surety Bonds*.

   2. Developer and/or owner shall pay the current sewer inspection fees for the proposed subdivision prior to signing of the final plat by the Boise City Engineer.
   3. Developer and/or owner shall be responsible for repairs of any failures that occur within one (1) year of the project acceptance by the appropriate sewer entity (Boise City Code 11-09-04.2F, *Subdivision Standards; Required Improvements*).

   b. Developer and/or owner shall delineate all necessary Boise City sanitary sewer easements on the final plat prior to signing of the final plat by the Boise City Engineer (Boise City Code 11-09-03.6A, *Subdivision Design Standards; Easements*).

   c. Developer and/or owner shall make payment, 8” equivalent cost reimbursement, and comply with Boise City Code 8-11, *Sewer Ordinance*, on that portion of existing sewer line within the proposed subdivision prior to signing of the final plat by the Boise City Engineer. Contact the Department of Public Works for specific costs.

   d. Unless previously paid, developer and/or owner shall pay a sewer assessment along N Pierce Park Lane and/or as may be approved by the Boise City Public Works Commission prior to signing of the final plat by the Boise City Engineer. Contact the Department of Public Works for specific costs.

   e. Developer and/or owner shall comply with all provisions of the Boise City “Sewer Tap” Ordinances.
      1. Developer and/or owner may either construct prior to final platting or post bond/agreement in the amount of 110% of the estimated costs. Please contact the Public Works Department for specifications and inspections during construction.
NOTE: All bonding shall conform to B.C.C. 11-09-04.2., *Required Improvements; Filing of Plans and Bonding Surety*, which specifies that the improvements to be made shall be done in a time period not to exceed one year from the date of approval of the final plat.

f. Wetline sewers are required. The developer and/or owner shall provide Boise City Public Works Department with a letter from the public agency responsible for the sewer collection system stating that sewer has been installed and has been accepted for service; or provide evidence, by way of a written contract or other written means, assurances that sewer service will be provided and that the necessary bonding and/or letters of credit are in place to assure completion of said sewer.

g. Provide recorded subdivision/condominium covenants regarding ownership and maintenance of the common private sewer collection system. Submit sanitary sewer plans to DEQ for their approval.

h. Developer and/or owner shall pay a pump station upgrade fee of $100 per lot in accordance with Boise City Code 8-11-07.01.G, *Capital Fees and Charges; Temporary Lift Station Upgrade Fees*.

**Special Conditions:**

**County Subdivision Conditions**

a. Developer and/or owner shall delineate all necessary Boise City sanitary sewer easements on the final plat prior to signing of the final plat by the Boise City Engineer (B.C.C. 11-09-03.6. *Subdivision Design Standards; Easements*).

b. Wetline sewers are required (B.C.C. 11-09-04.4., *Required Improvements; Sanitary Sewer*).

1. Developer and/or owner shall contact the Public Works Department regarding the financing and details of extending the sewers to the subject property. Developer and/or owner shall enter into a sewer reimbursement agreement with the City of Boise.

2. Plans shall be submitted to and approved by the Boise City Public Works Department prior to commencing with construction. Developer and/or owner may either construct improvements prior to final platting or execute a performance agreement and provide surety in the amount of 110% of the estimated costs. The developer and/or owner shall coordinate with the Public Works Department for construction inspection prior to and during construction. **Unless otherwise approved by the Public Works Department, all sewer construction shall be completed and accepted within 90 days of plat recordation or within 30 days of issuance of the first building permit within the subdivision, whichever comes first.**

NOTE: All bonding shall conform to Boise City Code 1-19, *Surety Bonds*.

3. Developer and/or owner shall pay the current sewer inspection fees for the proposed subdivision prior to signing of the final plat by the Boise City Engineer.
4. Developer and/or owner shall be responsible for repairs of any failures that occur within one (1) year of the project acceptance by the appropriate sewer entity (Boise City Code 11-09-04.4, \textit{Required Improvements; Sanitary Sewer}).

5. All lots within this subdivision shall be subject to and restricted by the following recorded subdivision covenants:
   (a) A monthly sewer charge must be paid after connecting to the Boise City public sewer system, according to the ordinances and laws of Boise City.
   (b) Owner shall submit to inspection by either the Public Works Department or the Building Department whenever a subdivided lot is to be connected to the City’s sewage system and a building is constructed or installed on or within the owner’s property.
   (c) The developer and/or owner of this subdivision or lot or lots therein shall and hereby does vest in Boise City the right and power to bring all actions against the owner of the premises hereby conveyed or any part thereof for the collection of any charges herein required and to enforce the conditions herein stated. This covenant shall run with the land.
   (d) The recording of this plat by developer and/or owner shall be deemed and construed as a request for annexation of its property to the corporate limits of Boise City. Such request and consent shall be binding on all subsequent purchasers or owners of developer’s property.
   (e) Covenants to be approved by the Boise City Attorney.
   c. Developer and/or owner shall make payment, 8” equivalent cost reimbursement, and comply with Boise City Code 8-11, \textit{Sewer Ordinance}, on that portion of existing sewer line within the proposed subdivision prior to signing of the final plat by the Boise City Engineer. Contact the Department of Public Works for specific costs.
   d. Unless previously paid, developer and/or owner shall pay a sewer assessment along _______ and/or as may be approved by the Boise City Public Works Commission prior to signing of the final plat by the Boise City Engineer. Contact the Department of Public Works for specific costs.
   e. Unless previously paid, developer and/or owner shall pay a connection fee and physically connect to sewer the existing building on Lot(s) ___, Block ___ prior to signing of the final plat by the Boise City Engineer or post bond/agreement for 110% of the cost to connect.

   \textbf{NOTE}: All bonding shall conform to B.C.C. 11-09-04.2., \textit{Required Improvements; Filing of Plans and Bonding Surety}, which specifies that the improvements to be made shall be done in a time period not to exceed one year from the date of approval of the final plat.

   f. Developer and/or owner shall comply with all Boise City Sewer Ordinance provisions for tapping the City sewer system, Boise City Code 8-11-05.04, \textit{Tap-Ins}.
      1. Developer and/or owner may either construct prior to final platting or post bond/agreement in the amount of 110% of the estimated costs. Please contact the Public Works Department for specifications and inspections during construction.

   \textbf{NOTE}: All bonding shall conform to B.C.C. 11-09-04.2 \textit{Required Improvements; Filing of Plans and Bonding Surety}, which specifies that the improvements to be made shall be done in a time period not to exceed one year from the date of approval of the final plat.
g. Wetline sewers are required. The developer and/or owner shall provide Boise City Public Works Department with a letter from the public agency responsible for the sewer collection system stating that sewer has been installed and has been accepted for service or provide evidence, by way of contract or other means, which assures sewer service will be provided and that the necessary bonding and/or letters of credit are in place to assure completion of said sewer.

h. Provide recorded subdivision/condominium covenants regarding ownership and maintenance of the common private sewer collection system. Submit sanitary sewer plans to DEQ for their approval.

i. Developer shall pay a pump station upgrade fee of $100 per lot in accordance with Boise City Code 8-11-07.01.G, Capital Fees and Charges: Temporary Lift Station Upgrade Fees.

j. Prior to granting final sewer construction plan approval, recommendation of approval by Boise City Council and confirmation of the county adopting these recommendations are required per Boise City’s sewer extension policy.

k. The recording of this plat by developer/owner shall be deemed and construed as a request for annexation of its property to the corporate limits of Boise City. Such request and consent shall be binding on all subsequent purchasers or owners of developer’s property.
City of Boise Solid Waste staff has reviewed the application for this project and has no comment. The lots are accessible for solid waste service.

Please contact me with any questions at 208-608-7161 or ecarpenter@cityofboise.org.
To: Planning and Development Services

From: Melissa Jannusch, EIT
Associate Engineer
Public Works Engineering

Subject: SUB 20-00018 | Greenbanks Subdivision
5716 N Pierce Park Ln
Grading & Drainage, Hillside, & Misc. Engineering Comments

1. STANDARD GRADING AND DRAINAGE CONDITIONS

1) Subdivision drainage shall be in accordance to B.C.C. 11-09-04-05. The developer shall submit a letter from the appropriate drainage entity approving the drainage system or accepting the drainage there from. A copy of the construction drawing(s) depicting all site drainage improvements shall be submitted with the letter.

a. Developer may either construct improvement prior to final platting or post bond in the amount of 110% of the estimated construction costs. Estimated construction costs shall be provided by the developer's engineer.

b. For drainage facilities located outside of the public right-of-way, the developer shall dedicate a storm drainage easement. Said easement shall be labeled as either an Ada County Highway District storm drainage easement or a homeowners’ association storm drainage easement, depending on what entity will assume responsibility for the operation and maintenance of the storm drainage system.

c. If the homeowners’ association is to be responsible for the operation and maintenance of the storm drainage facilities, the covenants,
homeowners’ association by-laws or other similar deed restrictions shall be reviewed and approved by the Boise City Attorney.

2) If fills greater than one foot in depth are to be placed in subdivision lots inside of building envelopes, as defined by the applicable subdivision building setbacks, the Developer shall obtain a grading permit from the Boise City Building Department (Rough Grading Permit). Grading permit must be acquired prior to the start of construction or final plat signature by the Boise City Engineer, whichever comes first.

Special Conditions:

2. EROSION CONTROL CONDITIONS

1) Subdivision work shall be in accordance to B.C.C. 08-17 Construction site Erosion Control Ordinance. The developer shall obtain an Erosion Control Permit from the Boise City Building Department. The Erosion Control Permit must be acquired prior to the start of construction.

2) This project will require an Erosion Control Plan (ECP) or Stormwater Pollution Prevention Plan (SWPPP) to be submitted with the permit application. The plan must bear the signature and certification number of an individual who has successfully complete a Boise City approved training course.

Special Conditions:

3. STANDARD HILLSIDE CONDITIONS

NA

4. MISC. ENGINEERING CONDITIONS

NA

5. PRIVATE STREET CONDITIONS

1) The following private street requirements must be met in an acceptable format:

   a. Convey to those lot owners taking access from the private street, the perpetual right of ingress and egress over the described private street, and

   b. Provide that such perpetual easement shall run with the land, and

   c. Provide each lot owner taking access from the private street, undivided interest within the private street.
2) A restrictive covenant for maintenance and reconstruction shall be recorded at the time of recording the plat which covenant, (a) creates the formation of a homeowners association for the perpetual requirement for the maintenance/reconstruction of the private street, and private street signs and (b) provides that said covenant shall run with the land, and (c) provides that the homeowners association shall not be dissolved without the express consent of Boise City.

3) Said easement and covenant to be reviewed and approved by the Boise City Attorney (B.C.C. 9-20-7.E.2.q & 9-20-7.E.2.r).

4) Private street widths shall be in conformance with B.C.C. 11-09-03.5. or as allowed via B.C.C. 11-09-05. All private streets, base and pavement, shall be constructed to the same construction specifications required for public streets. Contact the Ada County Highway District (ACHD) for public street construction requirements (B.C.C. 11-09-03.5.B.).

a. Certification of construction to ACHD specifications is required from an independent testing laboratory or a consulting engineer, including test results for the verification of construction (B.C.C. 11-09-03-05.B.(2)(e)).

   i. If it is an existing private street, verification of acceptable construction of the existing private street, including acceptability for use of emergency vehicles (including fire trucks and ambulances), is required from an independent testing laboratory or a registered Professional Engineer.

b. Sidewalks are required on both sides of the private street (or in compliance with the sidewalk plan approved with the conditional use) unless specifically waived by the Boise City Council.

c. Private street signs shall be installed in the same manner as public street signs (see requirements of ACHD).

d. The developer shall pay the current drainage review and inspection fees on the proposed subdivision (B.C.C. 11-03-03.3.B.).

e. Drainage facilities for the private street shall comply with Boise City’s Storm Water Management and Discharge Control Ordinance (B.C.C. 8-15). Plans shall be approved and construction inspected by Boise City Public Works.

   i. Developer and/or owner may either construct prior to final platting or post bond/agreement in the amount of 110% of the estimated costs, including certification (B.C.C. 11-09-04.2., Filing of Plans and Bonding Surety).
Special Conditions:

If you have any further questions, please contact Melissa Jannusch

Melissa Jannusch, E.I.T.
Associate Engineer
Hillside Coordinator
Public Works Engineering
208-608-7168
mjannusch@cityofboise.org

Making Boise the most livable city in the country.

\Boise\pw\Common\PWA\Subjects\Review Comments\Subdivision Comments\MMJ-Grading, Drainage, Hillside & Misc Sub Comment - Greenbanks.docx
To: Planning and Development Services
From: Tom Marshall, Street Light Program Technician
Public Works Engineering
Subject: Street Light Comments
PUD20-00020: 5716 N Pierce Park Ln.

Street lights are required at the following locations:

1. At the “T” intersection 25’ pole with class “A” fixture privately owned

New Street Light installations shall conform to the current version of the Boise Standard Revisions, Idaho Standards for Public Works Construction (ISPWC) using approved LED fixtures listed in Streetlight Approved Fixtures and Materials.

Developer shall not connect, or allow any subcontractor to connect any irrigation timers, decorative lighting, entrance lighting, outlets or other electrical devices to any street lighting circuits. Any and all irrigation timers, decorative lighting, entrance lighting, outlets or other electrical devices shall be connected directly to Idaho Power at an Idaho Power approved location.

All electrical work must be completed by a licensed journeyman electrician, as per state code to include underground conduit, wire, pole base, light pole, fixture and meter cabinets. The electrician must be
present at all inspections and all work shall be performed to the current National Electrical Code.

If you have any questions, contact Tom Marshall at 208-608-7526 or tmarshall@cityofboise.org.

Tom Marshall  
Street Light Program Technician  
Public Works Engineering  
Office: (208)608-7526  
tmarshall@cityofboise.org

Making Boise the most livable city in the country.
May 11, 2020

Karla Nelson  
PDS – Current Planning

Re: PUD20-00020

Dear Karla,

This is a request to subdivide property at 5716 N Pierce Park Lane into 7 lots for the construction of 6 single family homes.

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

Comments:
1. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)
2. Fire apparatus access roads shall not exceed 10 percent in grade. Nor shall access roadways exceed a 2 percent grade for the first 80 feet at the grade transition. Turnarounds shall not exceed 2 percent grade. (IFC D103.2, BCC 05-12-65)
3. For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (BCC5-12-32, IFC 503.8)

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

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

Regards,
Todd Callahan
Interim Division Chief – Assistant Fire Marshal
Boise Fire Department
May 14, 2020

PDS Building Department Plan Review:

The subdivision **Preliminary/Final** plat SUB20-00018 has been reviewed and the existing structures on the property appear to be in non-compliance with proper required distance from the proposed property lines, thus a demolition permit or a permit to move structures must be applied for prior to any signoff from the building plan review division.

Jenny Nelson  
Plans Examiner II  
Planning and Development Services  
Office: (208)608-7109  
jnelson@cityofboise.org

Making Boise the most livable city in the country.
On July 6, 2020 the Planning and Zoning Commission recommended approval of a preliminary plat for a residential subdivision comprised of 10 buildable lots, on 2.86 acres located at 6016 & 6100 N Pierce Park Ln in an R-1B (Single Family Residential) zone.
**BACKGROUND & SUMMARY OF PLANNING & ZONING COMMISSION ACTION**

The project involves a preliminary plat for a residential subdivision comprised of 10 buildable lots and 5 common lots, on 2.86 acres located at 6016 & 6100 N Pierce Park Ln in an R-1B (Single Family Residential) zone. Also associated with the subdivision was a planned unit development (PUD) for 10 single-family dwellings. The Planning & Zoning Commission approved the PUD in a 6 – 1 motion with no public opposition, and recommended approval of the preliminary plat request.

The proposal includes removing two existing homes and constructing ten new detached single-family homes. Site access will be provided by way of a 28-foot wide private street off Pierce Park Ln. Two shared driveways off the private street provide access to 9 of the 10 proposed homes. Curb, gutter, and 7-foot wide sidewalk will be installed along Pierce Park Ln abutting the site and curb, gutter and 5-foot wide sidewalk will wrap both sides of the private lane. A minimum of two off-street parking spaces will be provided with each new single-family home via enclosed garages. Guest parking will be accommodated on individual driveway aprons as well as along the one side of the private street, which allows for an additional 5 parking spaces.

**Connectivity**

There is an opportunity for future pedestrian and bike connectivity along the Farmer’s Union Canal to the east. While discussions are on-going with the irrigation company to allow access to pathways within their easements, ensuring connections are in place when development is entitled is an important feature to ensure the future success of these pathways. The applicant proposes to install an access gate in the common lot abutting the canal easement. A recommended condition of approval includes the establishment of a pedestrian and bike easement along the private road (Lot 5) connecting Pierce Park Ln to the future access point to the canal pathway. Also recommended, is a condition to remove the gate at such time the Farmer’s Union Ditch Company agrees to allow a pathway along their facilities.
Tree Mitigation
As detailed in correspondence received from the applicant, 7 healthy trees are proposed to be removed from the property, totaling 89 caliper inches. The applicant proposes planting 12 new trees in common lots and 2-3 new trees per buildable lot for approximately 37 total new trees for approximately 93 caliper inches. They have also committed to planting 2.5-caliper inch trees, rather than the 2-caliper inch minimum required by Code. This increase is included as a recommended condition of approval and was supported by the Planning and Zoning Commission decision as the total number of trees will increase and the total caliper inches removed are replaced.

**CONCLUSION & RECOMMENDATION**
No opposition has been received regarding the development and all commenting agencies have approved the application with standard conditions of approval. As outlined in the project report, the proposed subdivision complies with the standards of the Boise City Development Code and Blueprint Boise. The Commission recommended approval of the preliminary plat at their July 6, 2020 hearing.
RECOMMENDED CONDITIONS OF APPROVAL

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received April 28, 2020, and the revised plans on May 21, 2020, except as expressly modified the following conditions:

2. A public access easement for bicycle and pedestrian use shall be recorded connecting N Pierce Park Ln to the future pathway connection along the Farmer’s Union Canal. This easement shall be located on Lot 5, Block 1 and shall be noted and depicted on the plat.

3. At such time the pathway along the Farmer’s Union Canal is built, the gate currently shown on Lot 10, Block 1 shall be removed and a 5-foot wide pathway connection, built to ADA standards, shall be installed connecting the subdivision sidewalk to the canal pathway.

4. Tree mitigation details provided in correspondence dated June 23, 2020 shall be adhered to, including the use of 2.5 caliper inch trees for all new plantings.

5. The 20-foot landscape buffer along N Pierce Park Ln shall be dedicated in an easement to be maintained by the Homeowners Association.

6. The proposed 6-foot privacy fencing along the southern edge of Lot 1, Block 1 shall be set back a minimum of 85 feet from the Pierce Park Ln right-of-way.

7. Each single-family home shall have an energized 220-240-volt outlet installed on an interior wall of the garage. This feature shall be identified on the plans included with all residential building permit submittals.

Agency Requirements

8. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:
   a. Ada County Highway District (May 5, 2020);
   b. Boise School District (May 13, 2020);
   c. Boise Valley Irrigation Ditch Company (May 8, 2020);
   d. Farmer’s Union Ditch Company (May 19, 2020); and
   e. Central District Health Department (May 14, 2020).
9. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:
   a. Drainage (May 14, 2020);
   b. Sewer (August 30, 2019);
   c. Sewer Irrigation (May 8, 2020);
   d. Solid Waste (May 21, 2020); and
   e. Street Lights (May 8, 2020).

   Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit.

   Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

10. The applicant shall comply with all requirements of the Boise Fire Department comments received May 20, 2020. Any deviation from this plan is subject to Fire Department approval. For additional information, contact 208-570-6500.

11. The applicant shall comply with all requirements of the Boise City Building Department comments received May 14, 2020.

Subdivision:

12. The following notes shall be placed on the face of the Final Plat stating:

   a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD20-00019 and SUB20-00016.

   b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD20-00019, at the time of issuance of individual building permits.

   c. This development is subject to the Covenants, Conditions, and Restrictions (CC&R’s) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.

   d. Parking shall be restricted on the north side of the private street as well as the emergency turnaround. These areas will be signed for “No Parking”.

   e. A portion of Lot 5, Block 1 connecting N Pierce Park Ln to the future pathway along the Farmer’s Union Canal is dedicated to public pedestrian and bicycle access.

13. The 20-foot wide landscape buffer located in the rear of Lots 2-4, 6 & 7, Block 1, shall be located within an easement to be maintained by the Homeowners Association and shall be graphically depicted on the plat.
14. The Mylar shall include the following endorsements or certifications (I.C. Title 50, Chapter 13). These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

15. The name, Culver Subdivision, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Engineer, the new name to the Planning and Development Services Department and re-approval by the Council of the “Revised” Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the “Revised” Final Plat for public hearing.

16. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (B.C.C. 11-09-03.4E).

17. A letter of acceptance for water service from the utility providing same is required (B.C.C. 11-09-04.3).

18. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).

19. Developer shall provide a letter from the United States Postal Service stating, “The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service.”

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

20. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

   a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied,

   OR
b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

NOTE: “No Parking” signs shall be installed in accordance with the requirements of the International Fire Code (BCC 7-0-32, IFC 503.8). Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

21. Covenants, homeowners' association by-laws or other similar deed restrictions, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces, shall be reviewed and approved by the Boise City Attorney. After recordation of the Final Plat and CC&R’s, no building permit shall be accepted until a copy of the recorded CC&R’s has been submitted to the Boise City Attorney.

22. Prior to the City Engineer's Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of the Boise City Code, is to be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

23. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

24. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District.

25. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.

   a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.

   b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.
c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.

26. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a “Satisfaction of Non-Building Agreement” is recorded.

27. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City. Contact Erosion Control at 208-608-7100 for more information.

**Standard Conditions of Approval**

28. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

29. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

30. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

31. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

32. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

33. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.
34. Deciduous trees shall be not less than 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

35. Utility services shall be installed underground.

36. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

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

38. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

39. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.

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

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

42. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.
43. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

44. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
July 7, 2020

Jason Ellsworth
Huron Properties, LLC
6385 W Baron Ln
Boise, ID 83703
ellswortj@gmail.com

Re: PUD20-00019 & SUB20-00016 / 6016 & 6100 N Pierce Park Ln

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a conditional use permit for a planned residential development comprised of 10 single family homes on 2.86 acres located in an R-1B (Single Family Residential) zone. Also included is a Preliminary Plat for a residential subdivision comprised of 10 buildable lots and 5 common lots.

The Boise City Planning and Zoning Commission, at their hearing of July 6, 2020, approved your conditional use request, based on compliance with the attached Reason for the Decision and Conditions of Approval.

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

1. This conditional use approval will not take effect until after the appeal period has lapsed.

2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the hearing date. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at: http://pds.cityofboise.org/.

3. All appeals of this conditional use permit must be filed by 5:00 P.M., on July 16, 2020.

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

This letter constitutes your Conditional Use Permit.
On **July 6, 2020**, the Boise City Planning & Zoning Commission **recommended approval** of the Preliminary Plat of the Culver Subdivision to the Boise City Council, subject to compliance with the Conditions of Approval listed below.

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

Unless otherwise specified, all conditions shall be completed prior to signing of the Final Plat by the Boise City Engineer.

Questions can be directed to me at (208) 608-7074 or kholmes@cityofboise.org.

Sincerely,

Kevin Holmes  
Associate Planner, Current Planning and Subdivisions  
Boise City Planning and Development Services

KH/mh  
cc:  Ben Semple / Rodney Evans + Partners, PLLC / ben@reandpartners.com  
Suzanne Stone & Ester Ceja / Collister Neighborhood Association / sstone711@gmail.com; run_1@hotmail.com
REASON FOR THE DECISION

Planned Unit Development
The project complies with Boise City Code Section 11-03-04.7 (Planned Unit Development). The project is compatible with the surrounding neighborhood, as it has a similar residential density and will have compatible like-yard setbacks. Requests for internal setback, lot size, and width reductions are included. Correspondence received from commenting agencies confirm the use will not place an undue burden on the transportation system or other services in the vicinity. The site is large enough to accommodate the use as required by the Development Code. The development will not adversely affect other property in the vicinity as it meets the density, height, and parking requirements of the zone. The development is in compliance with the Comprehensive Plan as it constitutes infill development which reduces vehicle miles traveled and avoids costly extensions of infrastructure (Goal SE-CCN 1.1 & Goal CC1.1). The proposed sidewalks, curb and gutter extensions are consistent with Principle GDP-N.1 which calls for providing a continuous network of sidewalks where sidewalks are absent or incomplete. Conditions of approval require pedestrian and bicycle connections to the future canal pathway as supported by Principle GDP-N.1 and Policy NW-C 1.3. Similarly, the Collister Neighborhood Plan includes policies which encourages pedestrian connectivity and the utilization of canals as amenities.

Subdivision
As further detailed in the attached report and in conjunction with the planned unit development, the subdivision complies with Boise City Code Section 11-03-04.4 (Subdivisions Plat). As conditioned, the submitted Preliminary Plat is consistent with the Development Code and the Comprehensive Plan.

CONDITIONS OF APPROVAL

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received April 28, 2020, and the revised plans on May 21, 2020, except as expressly modified the following conditions:

2. A public access easement for bicycle and pedestrian use shall be recorded connecting N Pierce Park Ln to the future pathway connection along the Farmer’s Union Canal. This easement shall be located on Lot 5, Block 1 and shall be noted and depicted on the plat.

3. At such time the pathway along the Farmer’s Union Canal is built, the gate currently shown on Lot 10, Block 1 shall be removed and a 5-foot wide pathway connection, built to ADA standards, shall be installed connecting the subdivision sidewalk to the canal pathway.
4. Tree mitigation details provided in correspondence dated June 23, 2020 shall be adhered to, including the use of 2.5 caliper inch trees for all new plantings.

5. The 20-foot landscape buffer along N Pierce Park Ln shall be dedicated in an easement to be maintained by the Homeowners Association.

6. The proposed 6-foot privacy fencing along the southern edge of Lot 1, Block 1 shall be set back a minimum of 85 feet from the Pierce Park Ln right-of-way.

7. Each single-family home shall have an energized 220-240-volt outlet installed on an interior wall of the garage. This feature shall be identified on the plans included with all residential building permit submittals.

**Agency Requirements**

8. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:
   
a. Ada County Highway District ([May 5, 2020](#));
b. Boise School District ([May 13, 2020](#));
c. Boise Valley Irrigation Ditch Company ([May 8, 2020](#));
d. Farmer’s Union Ditch Company ([May 19, 2020](#)); and
e. Central District Health Department ([May 14, 2020](#)).

9. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:
   
a. Drainage ([May 14, 2020](#));
b. Sewer ([August 30, 2019](#));
c. Sewer Irrigation ([May 8, 2020](#));
d. Solid Waste ([May 21, 2020](#)); and
e. Street Lights ([May 8, 2020](#)).

Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

10. The applicant shall comply with all requirements of the Boise Fire Department comments received **May 20, 2020**. Any deviation from this plan is subject to Fire Department approval. For additional information, contact 208-570-6500.

11. The applicant shall comply with all requirements of the Boise City Building Department comments received **May 14, 2020**.
Subdivision:

12. The following notes shall be placed on the face of the Final Plat stating:

   a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD20-00019 and SUB20-00016.

   b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD20-00019, at the time of issuance of individual building permits.

   c. This development is subject to the Covenants, Conditions, and Restrictions (CC&R’s) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.

   d. Parking shall be restricted on the north side of the private street as well as the emergency turnaround. These areas will be signed for “No Parking”.

   e. A portion of Lot 5, Block 1 connecting N Pierce Park Ln to the future pathway along the Farmer’s Union Canal is dedicated to public pedestrian and bicycle access.

13. The 20-foot wide landscape buffer located in the rear of Lots 2-4, 6 & 7, Block 1, shall be located within an easement to be maintained by the Homeowners Association and shall be graphically depicted on the plat.

14. The Mylar shall include the following endorsements or certifications (I.C. Title 50, Chapter 13). These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.
15. The name, **Culver Subdivision**, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Engineer, the new name to the Planning and Development Services Department and re-approval by the Council of the “Revised” Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the “Revised” Final Plat for public hearing.

16. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (**B.C.C. 11-09-03.4E**).

17. A letter of acceptance for water service from the utility providing same is required (**B.C.C. 11-09-04.3**).

18. Developer shall provide utility easements as required by the public utility providing service (**B.C.C. 11-09-03.6**).

19. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

   Contact: Dan Frasier, Postmaster
   770 S. 13th St.
   Boise, ID 83708-0001
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**Standard Conditions of Approval**

28. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

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30. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

31. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

32. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

33. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

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39. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.

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

42. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

43. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.
44. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: )
PUD20-00019 / HURON PROPERTIES, LLC )
and )
SUB20-00016 / CULVER SUBDIVISION )
6016 North Pierce Park Lane )

TRANSCRIPT OF RECORDED PUBLIC HEARING
MONDAY, JULY 6, 2020

COMMISSIONERS PRESENT:
BOB SCHAFER, CO-CHAIR
CHRISTOPHER BLANCHARD
JENNIFER MOHR
JENNIFER STEVENS
MILT GILLESPIE
JANELLE FINFROCK
JIM BRATNOBER

TRANSCRIBED BY:
VICTORIA HILLES
INTRODUCTION

CO-CHAIRMAN SCHAFER: Okay. We'll move on to our next item, which I believe is Item No. 4, PUD20-19 and SUB20-16 at 6016 North Pierce Park Lane.

And we'll hear from Mr. Kevin Holmes.

KEVIN HOLMES: All right, Mr. Chair, Members of the Commission. Let me just share my screen here.

All right.

Before you is a conditional-use permit for a planned residential development comprised of ten detached, single-family homes on 2.86 acres located at 6016 and 6100 North Pierce Park Lane in an R-1B zone. Also included is a preliminary plat for a residential subdivision comprised of ten buildable lots and five common lots.

The property is located on the west side of Pierce Park, just south of Hill Road. Surrounding properties are all single-family homes either zoned R-1C or R-1B. Access is taken from a private street out to Pierce Park with two shared driveways providing direct access to nine out of ten homes.

With the PUD, the Applicant is requesting reduced internal side and rear setbacks, as well as
reductions to the minimum lot sizes and widths. The planning team is supportive of those modifications, as they will have minimal impacts to neighboring properties.

The property is a unique shape, and the density of 3.49 dwelling units per acre remains well below the 4.8 allowed in the R-1B zone.

Building heights, parking requirements, and perimeter setbacks will all meet the requirements of the zone. Onsite amenities include landscaped common lots with picnic areas; an easement preserving a future connection, shown here in red, to the future pathway along the Farmer Unions [sic] Canal to the northeast, and prewiring homes with the capacity for electric vehicle charging in the garages.

So this last one is a -- did come about through the PUD process, and it basically consists of having an outlet, similar to what's used in a drier, in each of the garages. So this does allow the homeowner to easily plug in a level 2 electric vehicle charger without the added hassle and cost of rewiring the house. The planning team is fully supportive of this, as it does lower barriers to EV adaption and helps the City move towards accomplishing some of its goals associated with the Boise's Energy Future.
Initiative, as well as being supported by the Comprehensive Plan. So something like this does fall under the "Other Amenities as Approved by the Commission" category in Code.

Commenting agencies have approved the proposal with standard conditions, and no letters of opposition have been received. The planning team is recommending approval of the application with conditions. For the PUD, the Commission is the decision-making body, and for the subdivision, the Commission is a recommending body to City Council.

Thank you.

CO-CHAIRMAN SCHAFER: Okay. Thank you, Kevin.

And now we'll hear from Mr. Semple again, I believe.

BEN SEMPLE: Mr. Chairman, members of the Commission, Ben Semple. 1014 South La Pointe Street, Suite 3, Boise, Idaho 83703.

This will be the second of three that you hear from me tonight.

This, again, as stated by Mr. Holmes -- I appreciate his staff report -- we are in agreement with all the conditions of approval contained in that staff report.

So I guess the biggest things on here
would be lot size. So our lot sizes are approximately
5,800 square feet. There is one that's closer to
about 5,200 square feet, and that would be Lot 12, as
shown there.

The surrounding areas to the south is
Belmar No. 1, which was approved, I believe, a couple
years ago. It's pretty much built out all the way, if
not built out all the way. To the north is -- are
three -- or immediately adjacent to the north are
three single-family homes with a private street to
their north and then three more homes to the north of
them. To the east is Belmar -- or it's the Farmers
Union Canal, and on the other side of the canal is
Belmar Subdivision No. 2. To the west is Pierce Park
and some existing single-family, residential
developments.

With these -- I'm going to -- you can see
on that -- on the image that's shown there, while the
lot sizes are a little bit smaller, we are maintaining
all exterior setbacks as required by the R-1B zone,
and then we're requesting, essentially, R-1C setbacks
on the interior with 5-foot side yard setbacks. We
will maintain a 20-foot setback off of those common
drives to the drive or to the garages.

All homes will have at least a two-car
garage with a couple of them having a three-car
garage, as well as, then, a driveway that would
accommodate guests. The private street width of
28 feet from back to back does allow for parking on
one side as well, so there would be ample on-street
and in-driveway guest parking opportunities.

One thing I did want to mention as well is
that the developer of this property intends to build
their personal home on Lot 11. That's the lot in the
back there. So they do intend to live in this
development. I worked very closely with them in
developing this land plan. One of the reasons that we
tried to -- well, there was a few challenges on this
site with some grade, specifically on the southwest
side of that, which is -- again, we utilized the PUD
process, which -- a straight subdivision of this size
property in R-1B would have allowed 13 units. We've
gone down to 10, but reduced the lot width slightly in
order to provide for some maintaining of that
landscape in the southwest corner.

There's some fairly large, mature
landscaping in there, as well as a -- kind of a start
of a mound or a -- kind of a -- the ground slopes up
there towards the east, so the homes on Lots 2, 3, and
4, which would be the three along Pierce Park, south
of the private street, would be, essentially, daylight homes. You'd come in from the -- behind in the alley, the private driveway, drive into the drive -- the garage, and then there would be a floor below that along the front. So your garage would be on the second level, but from the east it presents as a one-story home.

We will have a 20-foot landscape buffer along Pierce Park that will be maintained by the HOA, and then we are working -- during the neighborhood meeting I had some conversations with the individuals immediately to the north about working with them during the landscape design of the individual homes to make sure that we're protecting their privacy as well.

The three homes to the north of our private street -- there's three homes to the north, but essentially only two of our homes, Lot 7 and Lot 9, would impact them directly. Again, we're maintaining that -- a minimum 10-foot setback, and we'll put some substantial landscapes and evergreens along that side to help with privacy for existing and future residents.

To the south, between this property and Belmar No. 1, there's an emergency access road that was put in as part of the Belmar approvals, so that
provides for an additional buffer from those existing homes. And then these lot sizes, if you look at Belmar, the center of it -- Kevin, if I can share my screen for a second.

So these lots in the middle of Belmar No. 1 approximate around 6,000 square feet up to 7,000 square feet. Some of them -- obviously there's some large ones around the perimeter. This creates kind of a transition. We would have the large lot -- the large lot here in the back takes up the majority of this portion right here, and so the impact of one home on these five, and then it looking at these two homes along here, along the southern boundary -- well, the -- here's that landscape area, the buffer, that's kind of open space, one of the open spaces. Those two lots fall right here.

There's currently two existing single-family homes on the site as well. This doesn't show the build-out here, but these two homes are finished as well along there. So there's three here, where we'll just have two along the bottom portion of it.

I think by utilizing the PUD, it allows us to not only maintain that landscape area here to the south, some very mature landscaping, but also
accommodate -- we're not filling up these lots all the way. Obviously there's a lot of outdoor, usable space, private and public, for these. Again, with proximity to foothills trails -- if you go up Pierce Park, it's very close to Hill Road and obviously everyone knows about the opportunities for recreation in the foothills around here.

We feel very good about the project. We intend on providing a -- kind of a modern, farmhouse design on these homes. I think it'll fit really well with the existing homes in the area.

Again, we did address some concerns about kind of lot -- or home heights and the impact on neighbors. I think that we came to a pretty good design, where we reduced our lot count and are providing for a very nice project in this area that will fit in very well.

And with that, I would stand for questions.

CO-CHAIRMAN SCHAFER: Okay. Thank you for that, Ben.

NEIGHBORHOOD ASSOCIATION

CO-CHAIRMAN SCHAFER: First we'll move on to representatives from the neighborhood association if there are any in attendance, and I assume that there
are not, because our last application was in the same neighborhood.

So with that, we will move on to questions from the Commission for either staff or the Applicant.

COMMISSIONER BRATNOBER: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Yes. Question for staff.

As noted, the lot sizes are probably about 60 percent smaller than the zoning requires, and I see that there is R-1C across the street, as well as down by Baron Lane.

Can you advise why R-1B -- I realize that the existing zoning is R-1B -- but why, given how the development looks, we're not using R-1C there or recommending a rezone to R-1C, please?

KEVIN HOLMES: Mr. Chair, Commissioner Bratnober, similar to the last project, the PUD process does allow for requested reductions of those interior setbacks that maybe would be more in line with some of the R-1C dimensional standards, but as we are looking at a density that still does fit within the R-1B, it does follow the procedural setup that is in place with the PUD process and those findings, as were outlined in the staff report.
COMMISSIONER BRATNOBER: So again, we're into that prior -- or I'm sorry.

Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner Bratnober.

COMMISSIONER BRATNOBER: So, again, it sounds like we're into that -- I guess, as Commissioner Mohr stated, that prioritization of density versus dimension? Is that a fair statement?

KEVIN HOLMES: Mr. Chair, Commissioner Bratnober, that certainly is one way to look at this, yes.

COMMISSIONER BRATNOBER: Okay. Thank you.

BEN SEMPLE: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Yes, Mr. Semple.

BEN SEMPLE: If I could add a little bit, Commissioner Bratnober.

One of the reasons that we felt it was appropriate to stay at R-1B in this zone is there are -- it is R-1B to the south as well as to the north of this, and by -- if we tried to rezone to R-1C, where that is -- does exist to the west and further to the south off of Baron Lane, that would allow for the development of up to 22 units on this property, which we probably could fit 17 or 18 of on here with, you know, a little more creative design, especially not
having that large 20 -- essentially, a half-acre plus

a lot on the back for the developer, which we definitely
did not feel fit this area.

You know, with almost 3 acres of

property -- or 2.86 acres with 10 units on it, we

felt, was very appropriate for this zone, and keeping

it R-1B would protect for -- if someone in the future

was to come along, they could rezone it or go through

a rezone, but for us to do that now didn't feel like

the path we wanted to go down, to open the door for

someone to come in and buy the project before it was

fully built out or to come back and revise it to put

almost double the units on here. And in talking

with -- again, with the neighbors, we felt like that

was -- this was a much more appropriate way to handle

the redevelopment of this.

CO-CHAIRMAN SCHAFER: Okay. Thank you, Ben.

Any other questions for staff or the

Applicant?

Okay. Very good.

We will move --

COMMISSIONER BRATNOBER: Oh. I'm sorry. I was

on mute.

Mr. Chairman.

CO-CHAIRMAN SCHAFER: Yes, Commissioner
COMMISSIONER BRATNOBER: So thank you, Mr. Semple. I appreciate your explanation there. That's helpful.

As I look down around Baron Lane, I look at the size of those lots. Now obviously, I don't have the measurements, but those are pretty substantial lots, probably would fit R-1B, yet for some reason, back in history, we don't know why, they chose to zone that at R-1C. And so that's why it's piqued my curiosity here, when you compare what you're seeing there in terms of lot sizes, surrounding housing, and the existing zoning.

Thank you.

BEN SEMPLE: Mm-hmm.

CO-CHAIRMAN SCHAFER: Any other questions from the Commission?

Okay. Seeing none.

PUBLIC TESTIMONY

CO-CHAIRMAN SCHAFER: We will go ahead and open up the public testimony for the project. Is there anyone in the audience that would like to testify regarding this project?

UNIDENTIFIED SPEAKER: [Unintelligible].

CO-CHAIRMAN SCHAFER: Besides.
UNIDENTIFIED SPEAKER: He's coming.

CO-CHAIRMAN SCHAFER: He's coming.

Well, we have no takers live and in person, and I see no takers online either.

Okay.

REBUTTAL

CO-CHAIRMAN SCHAFER: So with that, we'll close the public hearing portion of this project, and then return back to Mr. Semple.

Ben, any other comments for rebuttal?

BEN SEMPLE: Mr. Chairman, none at this time.

Thank you.

CO-CHAIRMAN SCHAFER: Okay. Very good.

MOTIONS

CO-CHAIRMAN SCHAFER: With that, we will return this item back to the Commission.

COMMISSIONER GILLESPIE: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner Gillespie.

COMMISSIONER GILLESPIE: I move that we approve PUD20-19 and recommend approval for SUB20-16 with all the terms and conditions in the staff report.

COMMISSIONER MOHR: Second.

CO-CHAIRMAN SCHAFER: I have a motion and a second, a motion by Commissioner Gillespie and a second by Commissioner Mohr.
Discussion.

COMMISSIONER GILLESPIE: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So similar to the last one, we used the PUD process here, I think, very wisely to get the right number of units in a very difficult parcel. Again, we have to put in a private street. It doesn't have great connectivity.

We see here and we've seen and will see in the next application the results of many, many years of planning in Ada County and the lack of coherent street grids, which makes this necessary to do it the way we're doing it, and it's hard.

In this particular case, also, I think the layout of the homes is such that there's really minimal impact on all the surrounding homes and, in fact, it fits kind of quite nicely, I think, both north and south, into the -- sort of the -- you know, across the canal and to the east.

So I'm, again, strongly supportive of this application.

Thank you.

CO-CHAIRMAN SCHAFER: Any other discussion?

COMMISSIONER MOHR: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Mohr.
COMMISSIONER MOHR: I support this motion, because if you look at the density, I mean, it fits right between an R-1B and an R-1C zone. It's under the R-1B density, and you're not pushing the density on any of the surrounding -- your setbacks all the way around, your perimeter setbacks, conform to the zone that it's in. And all your deviations from some of those lot sizes are all interior, but everything that touches your perimeter properties, those all conform to the zone, minus the -- minus those lot sizes. Your setbacks, the location of your house in relation to the location of your house on the other side of that development is -- would be the same.

COMMISSIONER BRATNOBER: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner Bratnober.

COMMISSIONER BRATNOBER: So, starting to feel like Simon Cowell here, but I'll go ahead and -- and if you'll indulge me, just for the record, I'm still struggling with the lot size question. And in this case, it's -- I appreciate Commissioner Gillespie in drawing out the similarities with the prior one. In this case, though, you've got another zone you can go to.

So again, I'd just like to note, perhaps we need some better clarification on the PUD process,
because we've got a prioritization issue here, and, frankly speaking, what I'm looking for is guidance. I'm looking for something that advises when we should pull to one or the other of these requirements. Looking forward to the next item we're going to be talking about, at the risk of jumping the gun -- but there are deviations there as well. But they're nowhere near as significant.

So I would just like to make that known, make sure that gets into the record.

Thank you.

COMMISSIONER STEVENS: Mr. Chair.

CO-CHAIRMAN SCHAFFER: Commissioner Stevens.

COMMISSIONER STEVENS: Hi. Thanks.

I just want to point out to that we do have guidance, and those are located in our findings. No. 8 under Approval Criteria For Planned-Unit Development, 11-03-04.07 under C7, we have five findings we need to meet for a planned-unit development, and those are always outlined in our staff report. So we do have guidance, and we have findings that we have to meet to weigh the things that we're talking about weighing tonight. So I just want to point that out.

I think that staff has done a good job
here. I'll be supporting the motion.

COMMISSIONER GILLESPIE: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner Gillespie.

COMMISSIONER GILLESPIE: I -- just to also discuss this question of the PUD process versus a rezone, I think both the City and the Applicant have pointed out that if we did rezone this to R-1C to address some of these dimensional concerns, the Applicant is correct that the proposed subdivision could be -- or could be scrapped, could just be lapsed. And once that R-1C is in place, the Applicant or a new owner could come in and put up to 22 lots, 22 homes, on this. And if they followed the subdivision rules, there is no hearing, essentially. It's automatic.

So up-zoning to R-1C, from the City's point of view, is a really bad answer; right? It's just a bad answer, Commissioner Bratnober, because then the only way to prevent someone from coming in and someday building a lot more homes there is with a Development Agreement or a Rezoning Agreement, but then we're basically doing the PUD process, but it -- now it's just called a rezone -- or a Development Agreement. So either -- the changing the zone is a very difficult problem for the City to try
and solve.

The PUD process here is straightforward. It asks us to look for adverse impact. There is none; right? Nobody who is concerned -- you know, I haven't heard any Commissioner or the public point to something specific in this application that is causing an adverse impact, and that's what we're supposed to do is look at this application.

So I'm, again, strongly supporting the motion.

CO-CHAIRMAN SCHAFFER: Thank you for that, Commissioner Gillespie.

Any other comments from the Commission this evening?

COMMISSIONER BLANCHARD: Mr. Chair.

CO-CHAIRMAN SCHAFFER: Commissioner Blanchard.

COMMISSIONER BLANCHARD: I will be supporting this motion as well. I think there's a lot of differences here, though, because we do have 5-foot interior dimensional standards, again, in R-1C, as Commissioner Bratnober noted.

The last application, frankly, was just a big jump for me to get to 3-foot interior setbacks, when we're -- when two-story buildings anywhere else, like in R-3, requires a 10-foot setback, so
that's -- I mean, to me, that's -- you're asking a lot on that one. This one here, I'm fully in support of. I think the PUD process was appropriate and -- to the project, in my opinion.

Thank you.

CO-CHAIRMAN SCHAFER: Thank you.

Any other comments?

Very good.

And just real quick, I'll chime in. You know, I didn't comment on the last one, but obviously I voted in favor of that application.

I'm also in favor of this motion as well, and I think Commissioner Stevens, Commissioner Gillespie, summed up the PUD process and why it was used in this situation. I was going to comment as well, you know, the staff -- you know, the Applicant works with staff to vet the applications as they're working through the process.

In addition to that, you know, in this case, we have staff's support with a few conditions, but beyond staff, it's also presented to all the other agencies; right? ACHD, you know, Fire, all the departments within the City. And again, in all those cases, there are no negative comments. You know, it passes all the checks with all those various agencies
and departments, so I think that just adds more weight
to the application, that staff and all the departments
support it, and I also see no reason why I wouldn't
support it as well.

So I'm in favor of the motion as well.

So with that, we have a motion to approve
PUD20 [sic] and recommend approval for SUB20-16.

ROLL CALL

CO-CHAIRMAN SCHAFER: Will the clerk please call
the roll.

THE CLERK: Schafer.

CO-CHAIRMAN SCHAFER: Yes.

THE CLERK: Blanchard.

COMMISSIONER BLANCHARD: Yes.

THE CLERK: Mohr.

COMMISSIONER MOHR: Aye.

THE CLERK: Stevens.

COMMISSIONER STEVENS: Aye.

THE CLERK: Gillespie.

COMMISSIONER GILLESPIE: Aye.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: Aye.

THE CLERK: Bratnober.

COMMISSIONER BRATNOBER: Nay.

THE CLERK: Six in favor. One opposed. Motion
carries.

(End transcription at 1:28:00 of audio file.)

-o0o-
Summary
The applicant requests a conditional use permit for a planned residential development comprised of 10 single family homes on 2.86 acres located at 6016 & 6100 N Pierce Park Ln in an R-1B (Single Family Residential) zone. Also included is a Preliminary Plat for a residential subdivision comprised of 10 buildable lots and 5 common lots.

Prepared By
Kevin Holmes, Associate Planner

Recommendation
Approval with conditions

Reason for the Decision

Planned Unit Development
The project complies with Boise City Code Section 11-03-04.7 (Planned Unit Development). The project is compatible with the surrounding neighborhood, as it has a similar residential density and will have compatible like-yard setbacks. Requests for internal setback, lot size, and width reductions are included. Correspondence received from commenting agencies confirm the use will not place an undue burden on the transportation system or other services in the vicinity. The site is large enough to accommodate the use as required by the Development Code. The development will not adversely affect other property in the vicinity as it meets the density, height, and parking requirements of the zone. The development is in compliance with the Comprehensive Plan as it constitutes infill development which reduces vehicle miles traveled and avoids costly extensions of infrastructure (Goal SE-CCN 1.1 & Goal CC1.1). The proposed sidewalks, curb and gutter extensions are consistent with Principle GDP-N.1 which calls for providing a continuous network of sidewalks where sidewalks are absent or incomplete. Conditions of approval require pedestrian and bicycle connections to the future canal pathway as supported by Principle GDP-N.1 and Policy NW-C 1.3. Similarly, the Collister Neighborhood Plan includes policies which encourages pedestrian connectivity and the utilization of canals as amenities.

Subdivision
As further detailed in the attached report and in conjunction with the planned unit development, the subdivision complies with Boise City Code Section 11-03-04.4 (Subdivisions Plat). As conditioned, the submitted Preliminary Plat is consistent with the Development Code and the Comprehensive Plan.

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online.
Zoning Map Legend

- Project parcels
- Boise Zoning Designations

- A-1
- R-1A
- R-1B
- R-1C

Attachment: CC_Project Report_August 25, 2020_SUB20-00016 (Culver Subdivision)
PLANNED UNIT DEVELOPMENT SITE AND LANDSCAPE PLAN

LANDSCAPE NOTES:
1. ALL LANDSCAPED AREAS SHALL HAVE AN AUTOMATIC UNDERGROUND SPRINKLER SYSTEM WHICH IS ATTACHED TO AN ELECTRONIC WATER DISTRIBUTION/TIMING CONTROLLER. THE CONTROLLER IS TO BE CONNECTED TO THE PRIMARY ELECTRICAL SYSTEM TO PROVIDE POWER TO THE SPRINKLER SYSTEM. THE CONTROLLER IS TO BE PROVIDED BY THE CONTRACTOR. THE CONTROLLER IS TO BE PROVIDED BY THE CONTRACTOR.
2. APPLY SPECIFIED PRE-EMERGENT PER MANUFACTURER’S RECOMMENDATIONS TO ALL GROUNDCOVER PLANTING AREAS. THE CONTROLLER IS TO BE PROVIDED BY THE CONTRACTOR. THE CONTROLLER IS TO BE PROVIDED BY THE CONTRACTOR.
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4. PLANT MATERIAL SHALL CONFORM TO THE AMERICAN NURSERYMAN STANDARDS FOR TYPE AND MATERIAL.
5. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DETAILS.
6. ALL PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR BEGINNING AT THE DATE OF INSTALLATION.
7. SOIL TESTS. TOPSOIL SHALL BE A LOOSE, FRIABLE, SANDY LOAM, CLEAN AND FREE OF TOXIC MATERIALS.
8. ALL PLANTING BEDS SHALL BE COVERED WITH A MINIMUM OF 3” DEPTH OF APPROVED TOPSOIL AND SOIL AMENDED TO SPECIFIED PH. Ranges - PH. 5.5 TO 7.6.
9. RETENTION BASIN, FILL BERM WITH MULCH, AS SPECIFIED. BIODEGRADABLE BURLAP SHALL BE LEFT ON THE BOTTOM OF THE ROOTBALL.
10. PROVISIONAL COPPER 32” IN DIAMETER TIES SHOULD BE INSTALLED AT THE TOP OF CLEAN CYCLOMETER material.
11. PLANT MATERIAL FROM THE ROOTBALL WHICH MAY LIMIT GROWTH SHOULD BE TRIMMED TO PREVENT DAMAGE TO THE PLANT.
12. FIGURE 8 TOPSOIL SHALL BE DELIVERED IN A FROZEN OR MUDDY CONDITION.ACIDITY/ALKALINITY RANGE - PH.
13. ALL PLANT MATERIAL SHALL NOT BE PLANTED WITHIN THE 10'-0" CLEAR ZONE OF ALL SURFACES OF TURF SOD AREAS, AND 1" BELOW ADJACENT SURFACES OF TURF SEED AREAS.
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IRRIGATION NOTES:
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REVISION/ISSUE

LOT IMPROVEMENTS AREA= 124,620 S.F.
LOT IMPERVIOUS AREA= 17,905 S.F.
TOTAL NUMBER OF TREE SPECIES: 3
TOTAL OPEN SPACE - 13,969 SF
TOTAL NUMBER OF TREES: 11
TOTAL PROPERTY SIZE = 124,620 S.F. - 2.86 ACRES

LANDSCAPE LEGEND

1. SHRUB PLANTING
2. PLANTER BED CUT EDGE
3. GROUND COVER PLANTING
4. DECIDUOUS TREE PLANTING

LANDSCAPE SCHEDULE

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PROJECT INFORMATION

LANDSCAPE REQUIREMENTS

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April 21, 2020

Planning and Development Services
City of Boise
150 N. Capitol Blvd.
Boise, Idaho 83701

Re: Culver Subdivision – 6016 & 6100 N. Pierce Park Ln., Boise, ID 83703 – Letter of Explanation

To Whom it May Concern,

The application before you is for a 15 lot (10 buildable, 5 common lots) preliminary plat for the subdivision of the parcels located at 6016 and 6100 N. Pierce Park Ln., Boise, ID 83703. This application also includes a Planned Unit Development.

The combined property size is 2.86 acres, which in the current R-1B zone would allow for 13 units (4.8 du/acre x 2.86 acres=13.72). This project is proposing 10 units, or a density of 3.49 du/acre. The land plan for this project provides for all setbacks per the R-1B zoning designation (10’ side yard, 30’ rear yard, and 20’ front yard/street setbacks to living space) on the perimeter of the project. We are utilizing the Planned Unit Development process in order to reduce some of the interior setbacks, as well as for a reduction in the lot sizes, when compared to the R-1B zone standards. The majority of the buildable lot sizes of this project will be in a range from 5,547 s.f. to 7,011 s.f., with one lot being 27,113 s.f. Interior side yard and street side setbacks would be 5’, and interior rear yard setbacks would vary from 10’ to 20’, depending on location. Any area of setback reduction occurs interior to the project, and no perimeter/exterior boundary setback reductions are requested with this application. This reduction in setbacks and lot size is similar to Belmar Subdivision No. 1, which has lots ranging from 5,603 s.f. to 13,439 s.f., interior side yard setbacks of 5’, and interior rear yard setbacks of 15’.

We believe that this project is in substantial conformance with the mix of lot and home sizes in the immediate vicinity, and will be a positive infill redevelopment of these two parcels.

This project consists of 15 lots (10 buildable, 5 common lots) to be created for the construction of ten single-family homes and shared landscaped open space. Street frontage improvements consisting of curb, gutter, and attached 7’ sidewalk will be constructed along N. Pierce Park Ln. This section matches the recently constructed street improvements to the south as part of Belmar Subdivision No. 1. A 20’ wide landscape buffer is provided along Pierce Park Ln. The lots that front on N. Pierce Park Ln. are 130’ deep, which allows the buffer to be contained in an easement on the lots that front Pierce Park Ln. A private street will be constructed as the entry off of Pierce Park Ln. The private street will be 28’ from back-of-curb to back-of-curb, allowing for on-street parking for guests of the residents. The private street will also have 5’ attached sidewalks on both sides, allowing for safe pedestrian circulation and connectivity to the surrounding neighborhood. Shared driveways will be developed to access the 2-car garages associated with nine of the homes, and the tenth home will take driveway access directly off of the private street. All of the homes will also include a minimum 20’ deep private driveway off of the shared driveways, which allow for two additional off-street parking spaces per home.

Two common open spaces will be developed with landscaping, and will provide for on-site amenities of open lawn/picnic areas for use by the residents. Proximity to the Ridge to Rivers Trail system, as well as Pierce Park Greens Golf Course, Castle Hills Park, and the Foothills provide ample opportunity and amenities for the future residents. We will also work with the irrigation district on creating a gated pedestrian access point to the canal roadway, although there will be fencing installed along the canal easement to provide additional safety for the residents.
On-site landscaping will be designed with the privacy of existing and future residents in mind. We will work with the neighbors to ensure that critical areas are addressed with evergreen tree/shrub planting, in combination with 6’ privacy fencing, to provide maximum privacy. Home designs will also be further developed to place windows/doors and private open space/yard areas away from existing neighbor’s back yards, to the maximum extent possible.

The site does contain some topographic challenges in that it will require some custom designs of the homes to accommodate the topography and reduce the overall grading of the site. This will be achieved through the use of “daylighting” on Lots 2, 3, 9, 10, 13, and 14, as shown on the Preliminary Plat. The final architectural design of all homes is on-going, but the project is proposing a mixture of 1 ½ to partial 2-story homes, along with the aforementioned “daylight” homes, in the Modern Farmhouse architectural style. This architectural style will be complimentary to the surrounding homes in the neighborhood, as well as provide a reference to the previous farms and ranches that were originally developed in the general Northwest Boise area.

We believe that this proposed development will create high-quality housing, while enhancing the surrounding existing neighborhoods by providing for the infill redevelopment of these parcels.

Please contact me directly with any questions regarding the project at 208-514-3300 or ben@reandpartners.com

Sincerely,
Rodney Evans + Partners, PLLC

Ben Semple, PLA
Partner, Senior Landscape Architect
Kevin,

I apologize for the delay. I got swamped at the end of last week. The project will be removing some trees from the project as follows:

**Right-of-Way**
1 – 10” (multi-trunk) Plum (bad form/old)

**Site**
1 – 7” (multi-trunk) White Birch (bad form)
1 – 7” maple (bad form)
1 – 24” pine (in the way of the private road improvements)
1 – 18” pine (in the way of the private road improvements)
1 – 20” spruce (in the way of the private road improvements)
1 – 27” spruce (in the way of the private road improvements)
1 – 15” maple (next to the foundation of home to be removed)
1 – 9” spruce (next to the foundation of home to be removed)
2 – Kentucky Coffeetree (very bad form/health)
1 – 15” Cottonwood (in the way of the private road improvements)
5 – Black Locust (in very bad form/health)

There are 89 caliper inches of trees that are in good shape, but just in the way of improvements that will be removed.

We are planning to save 9 existing on-site trees that total 177 caliper inches, as well as planting 12 additional trees in the common areas that will total 30 caliper inches (I will change the common area trees to 2.5” instead of the 2” I have shown on the PUD landscape plan). That is exclusive of any private lot landscaping that will be installed for each residence. We don’t really have much room to add any more trees to the common areas of the development without creating future issues of over-crowding. I would anticipate that we will end up with 2-3 additional trees per lot in the private yards (so we’ll say 25 more trees) that we can commit to planting at a 2.5” caliper, so we will have 62.5 caliper inches additional, which will equate to 92.5 total caliper inches planted, along with 177 caliper inches saved, vs. the 89 caliper inches of trees removed (that are not in poor form/health, or that are against existing structures and would not survive the demolition activities).

I hope that is enough information. I was trying to put together a plan, and could still probably try to get that out by the end of the week if absolutely necessary, but am also trying to get 2 other projects prepped for submittal by the cutoff on the 30th. Let me know if there are any additional
<table>
<thead>
<tr>
<th>Property Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td>Street Number:</td>
</tr>
<tr>
<td>Prefix:</td>
</tr>
<tr>
<td>Street Name:</td>
</tr>
<tr>
<td>Unit #:</td>
</tr>
<tr>
<td>Subdivision name:</td>
</tr>
<tr>
<td>Block:</td>
</tr>
<tr>
<td>Lot:</td>
</tr>
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<td>Parcel Number:</td>
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<tr>
<td>Additional Parcel Numbers:</td>
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</table>

<table>
<thead>
<tr>
<th>Primary Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who is responsible for receiving e-mail, uploading files and communicating with Boise City?</td>
</tr>
<tr>
<td>(Agent/Representative)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name:</td>
</tr>
<tr>
<td>Last Name:</td>
</tr>
<tr>
<td>Company:</td>
</tr>
<tr>
<td>Address:</td>
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<tr>
<td>City:</td>
</tr>
<tr>
<td>State:</td>
</tr>
<tr>
<td>Zip:</td>
</tr>
<tr>
<td>E-mail:</td>
</tr>
<tr>
<td>Phone Number:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agent/Representative Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Role Type:</td>
</tr>
<tr>
<td>(Architect)</td>
</tr>
<tr>
<td>First Name:</td>
</tr>
<tr>
<td>Ben</td>
</tr>
<tr>
<td>Last Name:</td>
</tr>
<tr>
<td>Company:</td>
</tr>
<tr>
<td>Address:</td>
</tr>
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<tr>
<td>Phone Number:</td>
</tr>
<tr>
<td>Cell:</td>
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<td>Fax:</td>
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</table>

<table>
<thead>
<tr>
<th>Owner Information</th>
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<tbody>
<tr>
<td>Same as Applicant?</td>
</tr>
<tr>
<td>First Name:</td>
</tr>
<tr>
<td>Last Name:</td>
</tr>
<tr>
<td>Company:</td>
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<tr>
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<tr>
<td>E-mail:</td>
</tr>
<tr>
<td>Phone Number:</td>
</tr>
<tr>
<td>Cell:</td>
</tr>
<tr>
<td>Fax:</td>
</tr>
</tbody>
</table>
1. Neighborhood Meeting Held (Date):
4/2/2020

2. Neighborhood Association:
Collister

3. Comprehensive Planning Area:
Northwest

4. This application is a request to construct, add or change the use of the property as follows:
Subdivide the subject parcels into 15 lots (10 buildable, 5 common lots) for the construction of 10 single-family residential homes and associated roadway, site, and landscape improvements.

5. Size of Property:
2.861 Acres

6. Water Issues:
A. What are your fire flow requirements? (See International Fire Code):
1500 gpm

B. Number of hydrants (show location on site plan):
Number of Existing: 0
Number of Proposed: 1

C. Is the building "sprinklered"?
Yes

D. What volume of water is available? (Contact SUEZ (208) 352-7354):
1500 gpm

7. Existing uses and structures on the property are as follows:
2 single family homes and 1 shop/garage exist on the site.

8. Are there any hazards on the property? (Such as canals, hazardous material spills, soil or water contamination.) If so, describe them and give their locations:
Farmer's Union Canal is located along the east/northeast boundary of the property.

9. Adjacent property information:

<table>
<thead>
<tr>
<th>Building types and/or uses</th>
<th>Number of Stories</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: single-family res</td>
<td>1</td>
<td>(R-1B) Single Family Resider</td>
</tr>
<tr>
<td>South: single-family res</td>
<td>1</td>
<td>(R-1B) Single Family Resider</td>
</tr>
<tr>
<td>East: single-family res</td>
<td>1</td>
<td>(R-1B) Single Family Resider</td>
</tr>
<tr>
<td>West: single-family res</td>
<td>1</td>
<td>(R-1C) Single Family Resider</td>
</tr>
</tbody>
</table>
10. Non-Residential Structures:

A. Number of Proposed non-residential structures: 0

Square footage of proposed non-residential structures or additions (if 5+ floors, attach narrative with chart):

<table>
<thead>
<tr>
<th>Gross Square Feet</th>
<th>Net Leasable Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Floor</td>
<td>0</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>0</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>0</td>
</tr>
<tr>
<td>4th Floor</td>
<td>0</td>
</tr>
</tbody>
</table>

B. Maximum Proposed Height:

C. Number of stories: 0

D. Number of Existing non-residential structures to remain: 0

Square footage of existing non-residential structures or additions (if 5+ floors, attach narrative with chart):

<table>
<thead>
<tr>
<th>Gross Square Feet</th>
<th>Net Leasable Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Floor</td>
<td>0</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>0</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>0</td>
</tr>
<tr>
<td>4th Floor</td>
<td>0</td>
</tr>
</tbody>
</table>

E. Existing Structure Height(s):

F. Number of Stories: 0

11. Residential Structures:

A. Number of Proposed residential units (if applicable): 10

B. Size of Proposed residential structures (if applicable):

<table>
<thead>
<tr>
<th></th>
<th>Number of Units</th>
<th>Square Foot per Unit</th>
<th>Total Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Bedroom</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Three-Bedroom</td>
<td>8</td>
<td>2366</td>
<td>18928</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Number</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

C. Number of Existing units to remain: 0

D. Maximum Proposed Structure Height(s): 35

E. Number of Stories: 2
A. Percentage of site devoted to building coverage: 15
B. Percentage of site devoted to landscaping: 11
C. Percentage of site devoted to paving: 14
D. Percentage of site devoted to other uses: 60
E. Describe other use: single-family lot private lot area (yard areas, driveway, etc)

13. Loading Facilities, if proposed (For Commercial uses only):
   Number: 
   Location: 
   Size: 
   Screening: 

14. Parking:
   Required
   Proposed
   Handicapped Spaces: 
   Parking Spaces: 
   Bicycle Spaces: 
   Proposed Compact Spaces: 
   Restricted (assigned, garage, reserved spaces) parking spaces proposed:
   Are you proposing off-site parking? Yes No If yes, how many spaces?
   Are you requesting shared parking or a parking reduction? Yes No If yes, how many spaces?

**Note:** If you are requesting shared parking or a parking reduction, you must submit a survey of persons using and working on the premises and any additional information demonstrating that use by the regular employees and visitors to the premises will require fewer off-street parking spaces than required by the Zoning Ordinance.

15. Setbacks (Plans that are not graphically dimensioned will not be accepted.)

<table>
<thead>
<tr>
<th>Building</th>
<th>Proposed</th>
<th>Required</th>
<th>Parking</th>
<th>Proposed</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>20</td>
<td>20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>10</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side 1</td>
<td>5</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side 2</td>
<td>5</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

16. Waivers Requested:
   A. Lot size: Yes No Description: lot size for 9 of the 10 homes are below R-1B zone standards for area and
   B. Internal Setbacks: Yes No Description: internal setbacks reduced on the interior side, interior street side, and interi
   C. Frontage: Yes No Description:
17. Sidewalks:

Proposed: [ ] Attached [ ] Detached
Adjacent: [ ] Attached [ ] Detached

18. Amenities:

Number: 2
Description: open space area in front and rear of project for use by residents for passive recreation. canal pathway and ridge-to-rivers trail system, as well as other

19. Density:

Allowed Density: 4.8
Proposed Density: 3.49

20. Building Exterior:

<table>
<thead>
<tr>
<th>Materials</th>
<th>Colors</th>
</tr>
</thead>
<tbody>
<tr>
<td>composite/asphalt</td>
<td>black</td>
</tr>
<tr>
<td>wood/composite/stone</td>
<td>varies</td>
</tr>
<tr>
<td>metal/wood</td>
<td>varies</td>
</tr>
<tr>
<td>metal/stone/brick/wood</td>
<td>varies</td>
</tr>
</tbody>
</table>


subsurface infiltration, conveyance to public system

22. Floodways & Hillsides:

A. Is any portion of this property located in a Floodway or a 100-year Floodplain? [ ] Yes [ ] No

B. Does any portion of this parcel have slopes in excess of 15%? [ ] Yes [ ] No

Note: If the answer to either of the above is yes, you will be required to submit an additional Floodplain and/or Hillside application and additional fee. You must submit the additional required application(s) for review at the same time as this request.

23. Airport Influence Area:

Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)

[ ] No [ ] Area A [ ] Area B [ ] Area B1 [ ] Area C
24. Street Layout:

A. PUBLIC Street Layout Review

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) will be generally required by the Ada County Highway District, if the proposed development contains no more than 100 dwelling units (includes hotels and motels as well as private dwelling units), more than 30,000 square feet of commercial use, or more than 50,000 square feet of industrial or institutional use, or has associated it with special circumstances deemed by ACHD to warrant an impact study. A copy of this study must be submitted with this application.

Is a Traffic Impact Study required?
- [ ] Yes
- [ ] No

25. Solid Waste:

A. Type of trash receptacles:

- [ ] Individual Can/Residential
- [ ] 3 Yd Dumpster
- [ ] 6 Yd Dumpster
- [ ] 8 Yd Dumpster
- [ ] Compactor

B. Number of trash receptacles:

[ ] 10

C. Proposed screening method:

[ ] garage and/or fencing/landscaping

D. Is the proposed location accessible for collection? (Contact Boise Public Works at 384-3901.)

- [ ] Yes
- [ ] No

E. Is recycling proposed?

- [ ] Yes
- [ ] No

Verification of Legal Lot or Parcel Status

Acceptance of this application does not validate the legal status of any lot or parcel. Prior to submitting for a Building Permit you must have a Verification of Legal Parcel Status form signed by the Boise City Subdivision Department. It is the applicant’s responsibility to provide deeds and/or other documentation to the Subdivision Department. See Verification of Legal Lot or Parcel Worksheet for submittal requirements.

The undersigned declares that the above provided information is true and accurate. The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature: __________________________

Date: __________________________

Packet Pg. 436
Planning Division Project Report

File Number: PUD20-00019 & SUB20-00016
Applicant: Jason Ellsworth / Huron Properties, LLC
Property Address: 6016 & 6100 N Pierce Park Ln

Public Hearing Date: July 6, 2020
Heard by: Planning and Zoning Commission

Analyst: Kevin Holmes, Associate Planner
Reviewed By: Céline Acord, Current Planning Manager

Public Notification
Neighborhood meeting conducted on: April 2, 2020
Radius notices mailed to properties within 300 feet on: June 19, 2020
Newspaper notification published on: June 21, 2020
Applicant posted notice on site on: June 18, 2020

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7. Analysis....................................................................................... 5
8. Approval Criteria......................................................................... 8
9. Recommended Conditions of Approval...................................... 10

Exhibits
Agency Comments
1. Project Data and Facts

**Project Data**

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Jason Ellsworth / Huron Properties, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architect/Representative</td>
<td>Ben Semple / Rodney Evans + Partners, PLLC</td>
</tr>
<tr>
<td>Location of Property</td>
<td>6016 &amp; 6100 N Pierce Park Ln</td>
</tr>
<tr>
<td>Size of Property</td>
<td>2.86 acres</td>
</tr>
<tr>
<td>Zoning</td>
<td>R-1B (Single Family Residential)</td>
</tr>
<tr>
<td>Land Use Designation</td>
<td>Large Lot / Rural</td>
</tr>
<tr>
<td>Planning Area</td>
<td>Northwest</td>
</tr>
<tr>
<td>Neighborhood Assoc./Contact</td>
<td>Collister Neighborhood Association/ Suzanne Stone</td>
</tr>
</tbody>
</table>

**Procedure**
The Planning and Zoning Commission renders a final decision on the conditional use permit and makes a recommendation to the City Council on the subdivision.

**Current Land Use**
Two Single-Family Homes

**Description of Applicant’s Request**
The applicant requests a conditional use permit for a planned residential development comprised of 10 single family homes. Also included is a Preliminary Plat for a residential subdivision comprised of 5 common and 10 buildable lots.

2. Land Use

**Description and Character of Surrounding Area**
The area is mostly single-family residential homes on various sized lots. The property has frontage along approximately 350 feet of the Farmer’s Union Canal to the east and 320 feet along Pierce Park Ln to the west. A 9-hole golf course is approximately 600 feet to the south. The State Street Corridor with premium bus service and a variety of commercial establishments is approximately 0.9 miles to the south.

**Adjacent Land Uses and Zoning**

<table>
<thead>
<tr>
<th>North</th>
<th>Single-Family Homes / R-1B</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Single-Family Homes / R-1B</td>
</tr>
<tr>
<td>East</td>
<td>Farmer’s Union Canal, then Single-Family Homes / R-1B</td>
</tr>
<tr>
<td>West</td>
<td>N Pierce Park Ln, then Single-Family Homes / R-1C (Single-Family Residential)</td>
</tr>
</tbody>
</table>
3. Project Proposal

Structure(s) Design

<table>
<thead>
<tr>
<th>Dimensional Standard</th>
<th>R-1B Standards</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width</td>
<td>75'</td>
<td>45'</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>9,000 Sq. Ft.</td>
<td>5,260 Sq. Ft.</td>
</tr>
<tr>
<td>Front/Street Yard Setback</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Side Yard Interior Setback</td>
<td>10'</td>
<td>Interior: 5'</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Along Boundaries: 10'</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>30'</td>
<td>Lots 2-7: 20'</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lot 9: 10'</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lots 12-14: 15'</td>
</tr>
</tbody>
</table>

History of Previous Actions

<table>
<thead>
<tr>
<th>A-9-87</th>
<th>Annexation and zoning of the western half of the property to A-1.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAR13-00022</td>
<td>Rezone of the western half of the property from A-1 to R-1B and Annexation and zoning of the eastern half of the property to R-1B.</td>
</tr>
</tbody>
</table>

Setbacks & Dimensional Standards

All perimeter setbacks are being met. The interior setback and dimensional standard reductions are as noted below:

Fencing

A wood 6-foot tall closed vision fence will be located along the north, south and west property line.

PUD Required Amenities

Proximity to Ridge-to-Rivers trail system with official trailheads at Seamans Gulch (~1.75 miles) and Collister (~2 miles) as well as numerous closer un-official access points. Boise Parks Department owned property lies less than ¼ of a mile to the north with plans to be developed into a future trailhead. Pierce Park Golf Course, a private 9-hole facility, is 600 feet to the south and Castle Hills Park is just less than a mile away. On-site amenities include access to Farmer’s Union Canal for a future pathway connection, two small picnic areas in common lots, and electric vehicle ready wiring installed in all garages.
Parking
Two off-street parking spaces will be provided with each new single-family home. The private lane will accommodate one side of on-street parking, or approximately 5 parking spaces.

4. Development Code (Boise City Code Title 11)

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>11-03-04.4</td>
<td>Subdivision Plat Specific Procedures</td>
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<tr>
<td>11-03-04.7</td>
<td>Planned Unit Development Specific Procedures</td>
</tr>
<tr>
<td>11-04-03</td>
<td>General Purpose of Residential Districts</td>
</tr>
<tr>
<td>11-07-03</td>
<td>Off-Street Parking &amp; Loading Standards</td>
</tr>
<tr>
<td>11-07-06.5</td>
<td>Planned Unit Development Standards</td>
</tr>
<tr>
<td>11-09-03</td>
<td>Subdivision Design Standards</td>
</tr>
</tbody>
</table>

5. Comprehensive Plan (Blueprint Boise)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Goals, Objectives &amp; Policies</th>
</tr>
</thead>
</table>
| Chapter 2: City Wide Visions and Policies | Principle ES1.2: Vehicle Emissions  
Principle ES1.4: Development Patterns  
Principle PDP1.1: Infill Priority Areas  
Policy NAC3.1(a): Infill Scale and Character  
Policy NAC3.2: Areas of Change and Stability  
Goal CC1.1: Reduce Vehicle Miles Traveled |
| Chapter 3: Community Structure and Design | Principle GDP-N.1: Connectivity  
Principle GDP-N.8: Preservation of Natural Features |
| Chapter 4: Northwest Planning Area Policies | Policy NW-CCN 1.3: Neighborhoods  
Policy NW-C 1.3: Pedestrian/ Vehicle Connections |
Chapter 6: Transportation: Policy 3: Pedestrian Connections  
Chapter 8: Land Use: Objective 5.2: Infill Scale and Character |
6. Transportation Data

Per the Ada County Highway District (ACHD) Project Report dated May 21, 2020, this development is estimated to generate 18 new vehicle trips per day, with 8 during the PM Peak Hour, based on the Institute of Transportation Engineers Trip Generation Manual, 10th Edition. The average daily traffic count for Pierce Park Ln north of Foggy Bottom Drive was 4,463 on May 2, 2018. The average daily traffic count for Hill Road east of Gary Lane was 4,819 on December 13, 2017.

<table>
<thead>
<tr>
<th>Roadway</th>
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<th>PM Peak Hour Traffic Count</th>
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<td>Pierce Park Lane</td>
<td>318'</td>
<td>Collector</td>
<td>248</td>
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</tr>
</tbody>
</table>

*Acceptable level of service for a two-lane minor arterial is “E” (720 VPH).
**Acceptable level of service for a two-lane collector is “D” (425 VPH).

7. Analysis

The applicant requests a conditional use permit for a planned residential development comprised of 10 single family homes on 2.86 acres located at 6016 & 6100 N Pierce Park Ln in an R-1B (Single Family Residential) zone. Also included is a Preliminary Plat for a residential subdivision comprised of 5 common and 10 buildable lots. The two existing single-family homes on the property are proposed to be removed. The surrounding area is primarily single-family residential on various sized lots. The property has frontage along approximately 350 feet of the Farmer’s Union Canal to the east. The State Street Corridor with premium bus service and a variety of commercial establishments is approximately 0.9 miles to the south.
**Planned Unit Development**

The proposal includes the construction of ten new single-family homes. Site access will be provided by way of a 28-foot wide private street with a hammer-head turnaround, which has been approved by the Boise City Fire Department. Two shared driveways off the private street provide access to 9 of the 10 proposed homes. Due to the limited width of the private drive, on-street parking will be restricted to one side only. A note on the final plat is required noting the parking restriction and ‘No Parking’ signs shall be installed. Curb, gutter, and 7-foot wide sidewalk will be installed along Pierce Park Ln abutting the site. Curb, gutter and 5-foot wide sidewalk will wrap both sides of the private lane. A minimum of two off-street parking spaces will be provided with each new single-family home via enclosed garages. Guest parking will be accommodated on individual driveway aprons as well as along the one side of the private street which allows for an additional 5 parking spaces.

The site is large enough to accommodate the 10 detached single-family homes on the property, with a density of 3.49 dwelling units/acre, the proposal is under the allowed density of the R-1B zone (4.8 dwelling units/acre). The planned unit development is requesting waivers to dimensional standards and has proposed reduced interior setbacks as noted in the previous setback tables. It also includes reduced lot sizes with an approximately 5,260 square feet minimum and reduced lot widths of 45 feet rather than the required 9,000 square feet and 75-foot lot widths standard in the R-1B zone. The Planning Team is in support of these requests as they are interior to the development and create more useable building envelopes without adversely impacting the adjacent properties. The project density is well under what is allowable in the R-1B zone and all perimeter setbacks are met. In addition, the applicant has submitted drawings which show limited windows proposed for elevations facing the existing surrounding homes, further limiting impacts.
A 20-foot wide landscape buffer is proposed along Pierce Park Ln. This is contained within an easement located in the rear yards of the lots abutting the roadway which is allowable under subdivision development standards as these lots are 130 feet deep. A 6-foot wood privacy fence is proposed at the 20-foot rear setback and outside of the landscape buffer. Landscaping within this buffer is to be maintained by the Homeowners Association and will be on the same irrigation system as the other common lots. These arrangements are supported by the Planning Team and included as a condition of approval to ensure the continued upkeep of this buffer.

**Connectivity**

The applicant has proposed a private road for the development as the width of a public road would further restrict the useable building envelopes of the project. There are no opportunities to connect the proposed street to any other roadways. Established residential properties abut the site to the north, east, and south. There is an opportunity for future pedestrian and bike connectivity along the Farmer’s Union Canal to the east. While discussions are on-going with the irrigation company to allow access to pathways within their easements, ensuring connections are in place when development is entitled is an important feature to ensure the future success of these pathways. The applicant proposes to install an access gate in the common lot abutting the canal easement. A recommended condition of approval includes the establishment of a pedestrian and bike easement along the private road (Lot 5) connecting Pierce Park Ln to the future access point to the canal pathway. Also recommended, is a condition to remove the gate at such time the Farmer’s Union Ditch Company agrees to allow a pathway along their facilities.

**Amenities**

On-site amenities include two small picnic areas on common Lots 1 and 10, and the future bike and pedestrian connection to the pathway along the Farmer’s Union Canal. Also proposed is the installation of electric vehicle (EV) ready wiring in the garages of all the homes. This consist of a 220/240-volt outlet which allows for Level 2 EV charging equipment to be installed with no additional in-home wiring. Code allows for the inclusion of other amenities, such as this, not listed specifically under the planned unit development standards at the discretion of the Planning and Zoning Commission. The Planning Team is fully supportive of this proposed amenity as it has the potential to reduce vehicle emissions (Principle ES1.2 of Blueprint Boise) and helps the City achieve goals related to the Boise’s Energy Future initiative. Off-site amenities include a 9-hole golf course approximately 600 feet to the south and the Ridge-to-River Trail system with official trailheads at Seamans Gulch (~1.75 miles) and Collister...
(~2 miles) as well as numerous closer un-official access points. The Boise City Parks Department owns property less than ¼ of a mile to the north and has plans to develop the location into an official trailhead in the future. Castle Hills Park is also less than a mile away to the south.

**Tree Mitigation**
As detailed in correspondence received from the applicant, 7 healthy trees are proposed to be removed from the property, totaling 89 caliper inches. The applicant proposes planting 12 new trees in common lots and 2-3 new trees per buildable lot for approximately 37 total new trees. They have also committed to planting 2.5-caliper inch trees, rather than the 2-caliper inch typically required by Code. This increase is included as a recommended condition of approval. The Planning Team supports this plan as the total number of trees will increase and the total caliper inches removed are replaced.

**Summary**
With the recommended conditions of approval, the Planning Team finds the applications to be consistent with the standards for approval.

**8. Approval Criteria**

**Planned Unit Development (11-03-04.07(C7))**

i. **The location is compatible to other uses in the general neighborhood;**

The project is compatible with the surrounding neighborhood. The site is bordered by other similar single-family residential neighborhoods. The surrounding residential properties have a similar density as the proposed development and will have compatible or increased like-yard setbacks. Internal setback, lot size, and width reductions are proposed. These requests are interior to the development and create more useable building envelopes, without adversely impacting the adjacent properties. The project density of 3.49 dwellings per acre is well under what is allowable in the R-1B zone (4.8 dwellings per acre) and all perimeter setbacks are met. In addition, submitted drawings show limited windows proposed for elevations facing the existing surrounding homes, further limiting impacts. Perimeter fencing and appropriate landscape buffering along Pierce Park Ln provide adequate transitions from this development to adjacent homes.

ii. **The proposed use will not place an undue burden on transportation and other public facilities in the vicinity;**

Correspondence received from commenting agencies confirm the proposed use will not place an undue burden on the transportation system or other services in the vicinity. ACHD has confirmed that adjacent roadways are currently operating well under their capacity and the 18 estimated new vehicle trips generated per day will have a negligible effect on those conditions. The 28-foot wide private drive with a
hammer-head turnaround has been approved by the Boise City Fire Department. Due to the limited width of the private drive, on-street parking will be restricted to one side only. A note on the face of the final plat is required noting the parking restriction and ‘No Parking’ signs shall be installed. As indicated in attached comments, no public agency has voiced opposition to this request. The standard conditions of each have been included as conditions of approval.

iii. The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls, fences, parking, loading, landscaping, and such other features as are required by this Code;

The site is large enough to accommodate the use as 10 units are proposed and, at 2.86 acres, the property has a maximum density of 13 dwelling units within the R-1B zone. Adequate parking will be provided as each single-family home will provide two off-street parking spaces, additional apron space, and 5 on-street parking spaces. The proposed development complies with or exceeds all exterior setback requirements of the R-1C zone. To match the development to the south, 7-foot wide attached sidewalks, curb, and gutter will be extended along Pierce Park Ln, and 5-foot wide attached sidewalks are proposed along the private street. Wooden 6-foot tall closed vision fencing will be located along the north, south, and west property lines and along the back of the 20-foot wide landscape buffer abutting Pierce Park Ln.

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

The proposed development will not adversely affect other property in the vicinity, as the homes will comply with the height requirements of the R-1B zone and match or exceed all like-yards perimeter setbacks of the adjacent properties. The included elevations also propose limited windows on the second floors of homes adjacent to existing neighboring houses, further mitigating potential adverse effects. The private lane will provide the only access to the homes out to a collector street, avoiding additional traffic through the existing neighborhoods.

v. The proposed use is in compliance with the Comprehensive Plan.

The proposed development is supported by the Comprehensive Plan. Policies PDP1.1 and NAC 3.2 encourage infill and redevelopment within areas such as the subject property which are anticipated for some infill and redevelopment by the Areas of Stability and Change Map. Goal CC1.1 also encourages infill development in order to reduce vehicle miles traveled and avoid costly extensions of transportation infrastructure. The development will be less than a mile from State Street, a major transportation corridor with bus service and a wide range of commercial services. The recommended conditions of approval require public bike and pedestrian access to a future canal pathway as supported by Principle GDP-N.1 and Policy NW-C 1.3. Similarly, the Collister Neighborhood Plan includes policies which encourage
pedestrian connectivity and the use of canals as amenities. Including a public connection and easement to the canal for a future pathway connection is an amenity for this development and the greater neighborhood.

9. Recommended Conditions of Approval

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received April 28, 2020, and the revised plans on May 21, 2020, except as expressly modified the following conditions:

2. A public access easement for bicycle and pedestrian use shall be recorded connecting N Pierce Park Ln to the future pathway connection along the Farmer’s Union Canal. This easement shall be located on Lot 5, Block 1 and shall be noted and depicted on the plat.

3. At such time the pathway along the Farmer’s Union Canal is built, the gate currently shown on Lot 10, Block 1 shall be removed and a 5-foot wide pathway connection, built to ADA standards, shall be installed connecting the subdivision sidewalk to the canal pathway.

4. Tree mitigation details provided in correspondence dated June 23, 2020 shall be adhered to, including the use of 2.5 caliper inch trees for all new plantings.

5. The 20-foot landscape buffer along N Pierce Park Ln shall be dedicated in an easement to be maintained by the Homeowners Association.

6. The proposed 6-foot privacy fencing along the southern edge of Lot 1, Block 1 shall be set back a minimum of 85 feet from the Pierce Park Ln right-of-way.

7. Each single-family home shall have an energized 220-240-volt outlet installed on an interior wall of the garage. This feature shall be identified on the plans included with all residential building permit submittals.

Agency Requirements

8. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:
   a. Ada County Highway District (May 5, 2020);
   b. Boise School District (May 13, 2020);
   c. Boise Valley Irrigation Ditch Company (May 8, 2020);
   d. Farmer’s Union Ditch Company (May 19, 2020); and
   e. Central District Health Department (May 14, 2020).
9. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:
   a. Drainage (May 14, 2020);
   b. Sewer (August 30, 2019);
   c. Sewer Irrigation (May 8, 2020);
   d. Solid Waste (May 21, 2020); and
   e. Street Lights (May 8, 2020).

   Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

10. The applicant shall comply with all requirements of the Boise Fire Department comments received May 20, 2020. Any deviation from this plan is subject to Fire Department approval. For additional information, contact 208-570-6500.

11. The applicant shall comply with all requirements of the Boise City Building Department comments received May 14, 2020.

Subdivision:

12. The following notes shall be placed on the face of the Final Plat stating:
   a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD20-00019 and SUB20-00016.
   b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD20-00019, at the time of issuance of individual building permits.
   c. This development is subject to the Covenants, Conditions, and Restrictions (CC&R's) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.
   d. Parking shall be restricted on the north side of the private street as well as the emergency turnaround. These areas will be signed for “No Parking”.
   e. A portion of Lot 5, Block 1 connecting N Pierce Park Ln to the future pathway along the Farmer’s Union Canal is dedicated to public pedestrian and bicycle access.
13. The 20-foot wide landscape buffer located in the rear of Lots 2-4, 6 & 7, Block 1, shall be located within an easement to be maintained by the Homeowners Association and shall be graphically depicted on the plat.

14. The Mylar shall include the following endorsements or certifications (I.C. Title 50, Chapter 13). These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

15. The name, Culver Subdivision, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Engineer, the new name to the Planning and Development Services Department and re-approval by the Council of the "Revised" Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "Revised" Final Plat for public hearing.

16. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (B.C.C. 11-09-03.4E).

17. A letter of acceptance for water service from the utility providing same is required (B.C.C. 11-09-04.3).

18. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).

19. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

   Contact: Dan Frasier, Postmaster
   770 S. 13th St.
   Boise, ID 83708-0001
   Phone No. (208) 433-4301
   Fax No. (208) 433-4400
20. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

   a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied, OR
   b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

   NOTE: “No Parking” signs shall be installed in accordance with the requirements of the International Fire Code (BCC 7-0-32, IFC 503.8). Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

21. Covenants, homeowners’ association by-laws or other similar deed restrictions, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces, shall be reviewed and approved by the Boise City Attorney. After recordation of the Final Plat and CC&R’s, no building permit shall be accepted until a copy of the recorded CC&R’s has been submitted to the Boise City Attorney.

22. Prior to the City Engineer’s Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of the Boise City Code, is to be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

23. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

24. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District.

25. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.
a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.

b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.

c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.

26. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a “Satisfaction of Non-Building Agreement” is recorded.

27. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City. Contact Erosion Control at 208-608-7100 for more information.

Standard Conditions of Approval

28. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

29. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

30. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

31. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.
32. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

33. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

34. Deciduous trees shall be not less than 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

35. Utility services shall be installed underground.

36. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

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

38. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

39. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.

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

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

42. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

43. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

44. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
Project/File: Culver/ BPP20-0015/ SUB20-00016/ PUD20-00019
This is a subdivision and planned unit development application consisting of 15 lots on 2.86-acres.

Lead Agency: City of Boise
Site address: 6016 and 6100 N Pierce Park Lane
Staff Approval: May 21, 2020
Applicant: Huron Properties, LLC
Jason Ellsworth
6385 W Baron Lane
Boise, ID  83703
Representative: Rodney Evans + Partners, PLLC
Ben Semple
1014 S LaPointe Street, Ste. 3
Boise, ID  83706
Staff Contact: Stacey Yarrington, Planner III
Phone: 387-6171
E-mail: syarrington@achdidaho.org

A. Findings of Fact

1. Description of Application: The applicant is requesting approval of a subdivision and planned unit development application consisting of 10 single-family lots and 5 common lots on 2.86-acres.

   The site is currently zoned R-1B (Single-family Residential, Suburban) and the applicant’s proposal is consistent with the City of Boise’s zoning designation. However, it is not consistent with the City of Boise’s Future Land Use map that designates this area as single-family residential large lots.

2. Description of Adjacent Surrounding Area:

<table>
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<td>R-1B</td>
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<tr>
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<tr>
<td>West</td>
<td>Single-family Residential, Urban</td>
<td>R-1C</td>
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3. Site History: ACHD previously reviewed this site as BOI15-0043 and BOI15-0414 in February 2015 and January 2017, respectively. The requirements of this staff report are consistent with those of the prior action of BOI15-0414.

4. Adjacent Development: The following developments are pending or underway in the vicinity of the site:
- Greensbank, a 6-lot single-family subdivision located south of the site is currently under review by ACHD staff.

5. **Transit:** Transit services are available to serve this site via Route 10.

6. **New Center Lane Miles:** The proposed development includes 0 centerline miles of new public road.

7. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.

8. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
   - There are no roadways, bridges or intersections in the general vicinity of the project that are in the or the District’s Capital Improvement Plan (CIP).
   - Hill Road/Pierce Park Lane intersection and Bridge #2029 is scheduled in the IFYWP to be replaced/widened/built in 2024.

### B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 18 additional vehicle trips per day (19 existing); 8 additional vehicle trips per hour in the PM peak hour (2 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 10th edition.

2. **Condition of Area Roadways**
   - Traffic Count is based on Vehicles per hour (VPH)

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   * Acceptable level of service for a two-lane minor arterial is “E” (575 VPH).
   * Acceptable level of service for a two-lane collector is “D” (425 VPH).

3. **Average Daily Traffic Count (VDT)**
   - Average daily traffic counts are based on ACHD’s most current traffic counts.
   - The average daily traffic count for Pierce Park Lane north of Foggy Bottom Drive was 4,463 on 05/02/2018.
   - The average daily traffic count for Hill Road east of Gary Lane was 425 on 12/13/2017.

### C. Findings for Consideration

1. **Pierce Park Lane**
   a. **Existing Conditions:** Pierce Park Lane is improved with 2-travel lanes, 31-feet of pavement, and no curb, gutter or sidewalk abutting the site. There is 58-feet of right-of-way for Pierce Park Lane (37.5-feet from centerline).
   b. **Policy:**
      - **Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.
Master Street Map and Typologies Policy: District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

Street Section and Right-of-Way Policy: District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

Sidewalk Policy: District policy 7206.5.6 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District’s planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Pierce Park Lane is designated in the MSM as a Residential Collector with 3-lanes and on-street bike lanes, a 47-foot street section within 70-feet of right-of-way.

c. Applicant Proposal: The applicant is proposing to improve Pierce Park Lane with pavement widening, vertical curb, gutter, and 5-foot wide attached concrete sidewalk.

d. Staff Comments/Recommendations: The applicant’s proposal does not meet District Sidewalk policy that requires 7-foot wide attached (5-foot wide detached) sidewalks to be constructed on a collector roadway. Additional right-of-way dedication is not required as part of this application. The applicant should be required to improve Pierce Park Lane as one half of a 47-foot street section with vertical curb, gutter and 7-foot wide attached concrete sidewalk, or 5-foot wide detached concrete sidewalk, within 34.5-feet of right-of-way from centerline, consistent with the Belmar Estates Subdivision to the south. If the applicant constructs a detached sidewalk, the sidewalk can be constructed in a permanent easement to 2-feet behind back of sidewalk. The sidewalk shall be located wholly within the right-of-way or wholly within an easement.

2. Private Roads

a. Existing Conditions: There are 3 existing residential driveways onto Pierce Park Lane from the site located 50-feet south of Tobi Drive, 65-feet north of Tobi Drive, and 140-feet north of Tobi Drive in alignment with an existing driveway.

b. Private Road Policy: District policy 7212.1 states that the lead land use agencies in Ada County establish the requirements for private streets. The District retains authority and will review the
proposed intersection of a private and public street for compliance with District intersection policies and standards. The private road should have the following requirements:

- Designed to discourage through traffic between two public streets,
- Graded to drain away from the public street intersection, and
- If a private road is gated, the gate or keypad (if applicable) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

**Driveway Location Policy (Stop Controlled Intersection):** District policy 7206.4.4 requires driveways located on collector roadways near a STOP controlled intersection to be located outside of the area of influence; OR a minimum of 150-feet from the intersection, whichever is greater. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

**Successive Driveways:** District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 35 MPH and daily traffic volumes greater than 100 VTD to align or offset a minimum of 150-feet from any existing or proposed driveway.

c. **Applicant Proposal:** The applicant is proposing to construct a private road/driveway to intersect Pierce Park Lane approximately 100-feet north of Tobi Drive and 40-feet south of an existing residential driveway from the site.

The applicant is proposing to close the two most southern driveways with curb, gutter, and sidewalk.

d. **Staff Comments/Recommendations:** The applicant’s proposal does not meet District Location and Successive Driveway policies as it does not meet the minimum offset of 150-feet from an intersection or an existing driveway and should not be approved as proposed.

Staff recommends that the site be redesigned to relocate the private road to intersect Pierce Park Lane 140-feet north of Toby Drive in alignment with the existing residential driveway on the west side of the roadway across from the site. This is a 7% modification to the dimensional standards and is approved at the Development Services Manager's discretion.

The applicant’s proposal to close the two most southern driveways onto Pierce Park Lane from the site with curb, gutter, and sidewalk meets District policy and is approved.

If the City of Boise approves the private road, the applicant shall be required to pave the private roadway a minimum of 20 to 24-feet wide and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Boise, the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations.

Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.

The following requirements must be met if the applicant wishes to dedicate the roadway to ACHD:

- Dedicate a minimum of 50-feet of right-of-way for the road.
- Construct the roadway to the minimum ACHD requirements.
- Construct a stub street to the surrounding parcels.
3. **Tree Planters**
   **Tree Planter Policy:** The District’s Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

4. **Landscaping**
   **Landscaping Policy:** A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

5. **Other Access**
   Pierce Park Lane is classified as collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

D. **Site Specific Conditions of Approval**

1. Improve Pierce Park Lane as one half of a 47-foot street section with vertical curb, gutter and 7-foot wide attached concrete sidewalk, or 5-foot wide detached concrete sidewalk.

2. Provide a permanent easement to 2-feet behind back of sidewalk for any sidewalk placed outside of the dedicated right-of-way. The sidewalk shall be located wholly within the right-of-way or wholly within an easement.

3. Construct one private road onto Pierce Park Lane located 140-feet north of Toby Drive in alignment with the existing residential driveway on the west side of the roadway across the street from the site.

4. Pave the private road its entire width and at least 30-feet into the site beyond the edge of Pierce Park Lane.

5. Provide street name and stop sign for the private road.

6. Close the existing two most southern driveways onto Pierce Park Lane from the site with vertical curb, gutter, and 7-foot wide attached (5-foot wide detached) concrete sidewalk.

7. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

8. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.

9. Payment of impact fees is due prior to issuance of a building permit.


E. **Standard Conditions of Approval**

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.

3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant’s engineer should provide documentation of ADA compliance to District Development Review staff for review.

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

5. A license agreement and compliance with the District’s Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.

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

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

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

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

10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.

11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant’s authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

F. Conclusions of Law
1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.

2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

G. Attachments
1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal Guidelines
Ada County Utility Coordinating Council

Developer/Local Improvement District
Right of Way Improvements Guideline Request

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

1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.

2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.

3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.

4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

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

**Items Completed to Date:**

- ☑ Submit a development application to a City or to Ada County
- ☑ The City or the County will transmit the development application to ACHD
- ☑ The ACHD Planning Review Section will receive the development application to review

- ☑ The Planning Review Section will do **one** of the following:
  - ☑ Send a **“No Review”** letter to the applicant stating that there are no site specific conditions of approval at this time.
  - ☑ Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
  - ☑ Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

**Items to be completed by Applicant:**

- ☑ For **ALL** development applications, including those receiving a **“No Review”** letter:
  - The applicant should submit one set of engineered plans directly to ACHD for review by the Development Review Section for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
  - The applicant is required to get a permit from Construction Services (ACHD) for **ANY** work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.

- ☑ Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

**DID YOU REMEMBER:**

**Construction (Non-Subdivisions)**

- ☑ Driveway or Property Approach(s)
  - Submit a **“Driveway Approach Request”** form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

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

**Construction (Subdivisions)**

- ☑ Sediment & Erosion Submittal
  - At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

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

- ☑ Final Approval from Development Services is required prior to scheduling a Pre-Con.
Request for Appeal of Staff Decision

1. **Appeal of Staff Decision**: The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

   a. **Filing Fee**: The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

   b. **Initiation**: An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

   c. **Time to Reply**: The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

   d. **Notice of Hearing**: Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

   e. **Action by Commission**: Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.
DATE: May 13, 2020

TO: PDSTransmittals@cityofboise.org

FROM: Lanette Daw, Supervisor, Traffic Safety and Transportation

RE: SUB20-00016 & PUD20-00019 – Culver Subdivision

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

The schools currently assigned to the proposed project area are:

- Elementary School: Pierce Park
- Junior High School: Riverglen
- High School: Capital

Comments Regarding Traffic Impact: None

Comments Regarding Safe Routes to School Impact: None

If you have any further questions, please feel free to contact this office.
Boise Valley Irrigation Ditch Co.
8850 Horseshoe Bend Rd.
Boise, ID 83714
(208)853-5288 office
(208)939-2894 fax
bvidc1@gmail.com

May 8, 2020

City of Boise
Planning and Development Services
PDSTransmittals@cityofboise.org

Jason Ellsworth
Huron Properties, LLC
ellsworthj@gmail.com

Re: PUD20-00019
6016 & 6100 N. Pierce Park Ln.

We received notice of application for development of the above properties. This letter is to inform you that these properties do have shares of irrigation water with Boise Valley Irrigation Ditch Co. The plans for the use of the irrigation water within the development will need to be reviewed and approved by our board prior to any work starting. We do have water shares available for purchase if the development needs more than they currently have.

Also, plans will need to be submitted to our board for approval for any work to be done within the easement of any lateral that may run along or through the properties, prior to any work starting.

Please contact us with any questions you may have.

Thank you,

Megan Aubrey
Office Manager
Boise Valley Irrigation Ditch Co.
Dear Ms. Collins:

I write as attorney for the Farmers Union Ditch Company, Ltd. (Farmers Union) an Idaho irrigation water delivery entity which delivers water to the property the subject of the above referenced applications. Regarding the proposed development and subdivision, Farmers Union has certain requirements which include, but may not be limited to, the following:

1. The developer/property owner must recognize irrigation rights-of-way for cleaning, maintenance and repair of the Farmers Union delivery canal. The Farmers Union has rights-of-way granted by State law. The sizes of those rights-of-way vary depending on the location, size and type of delivery structure or method of conveyance of water delivered to its water users. The Farmers Union maintains a right-of-way of at least 25 feet on each side of its canal measured from the top of the canal bank. Idaho law provides no improvements including but not limited to, fences, structures, roads, pipelines or other construction is to be placed in the Farmers Union right-of-way without written permission from Farmers Union. Farmers Union strongly recommends its right-of-way be platted as common area lots to prevent encroachment or unauthorized improvements in the right-of-way by lot owners. Because the top of the canal bank for the Farmers Union canal is not shown on any of the plans, it is not possible to identify how far proposed improvements are from the top of the canal bank. It is also unclear from the plans provided whether the developer intends to place fill material for lots 9 and 10 or cut into the canal bank. If the plan is to cut into the slope of the canal bank, the developer should be required to obtain Farmers Union’s approval of any proposed excavation of the slope below the canal.

2. Any construction activities, including road or other construction must be completed at times and in a manner so as not to interfere in any way with the
Farmers Union’s delivery of water or cleaning, maintenance, and repairs to its pipes and ditches.

3. No change in the point of diversion or place of use of the water is allowed unless approved by the Farmers Union.

4. In most circumstances, Farmers Union requires subdivisions install a pressurized irrigation system. Any such system is to be pre-approved by Farmers Union and must have a flow meter approved by Farmers Union. The preliminary plat shows a headgate and pipeline on the east side of the property which goes to a 5’ x 5’ concrete irrigation box located off the property. It should be noted that this is not the water delivery diversion point from the Farmers Union canal for the property. The headgate and box shown serve a separate subdivision south of the property being developed. Also, based on the plans Farmers Union is not able to determine the location of a pump station for the pressurized irrigation system.

5. The developer’s online neighborhood meeting notice states part of the overall development features include a park next to the canal as well as a pedestrian connection to the canal pathway. Farmers Union wants to make it very clear, the “canal pathway” is not a public greenbelt but is the canal maintenance road. Use of this area should be restricted as Farmers Union operates heavy equipment and motor vehicles on this road; sprays weed and herbicide chemicals on and near the roadway; and, controls brush, weeds and trees with equipment suited to those purposes. Access to the canal maintenance road should be discouraged if not prevented, not encouraged.

6. Water rights (shares) appurtenant to the property should be transferred to the subdivision HOA for purposes of communication and billing of assessments.

Farmers Union suggests that the developer meet with the Farmers Union board to discuss the many issues identified above. The developer can contact the secretary for Farmers Union at 208-870-7919 to be placed on the agenda of a monthly board meeting. Please note Farmers Union may have further and additional input regarding impacts to the canal by the proposed subdivision. If you have any questions regarding the foregoing, please feel free to contact me.

Sincerely,

Jerry A. Kiser
Attorney at Law

cc: Farmers Union
Rodney Evans + Partners, PLLC
1. We have No Objections to this Proposal.

2. We recommend Denial of this Proposal.

3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.

4. We will require more data concerning soil conditions on this Proposal before we can comment.

5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
   - high seasonal ground water
   - waste flow characteristics
   - bedrock from original grade
   - other

6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.

7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.

8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
   - Central sewage
   - interim sewage
   - individual sewage
   - community sewage system
   - central water
   - individual water
   - community water well

9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
   - Central sewage
   - sewage dry lines
   - community sewage system
   - central water

10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.

11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.

12. We will require plans be submitted for a plan review for any:
   - food establishment
   - beverage establishment
   - swimming pools or spas
   - grocery store
   - child care center

13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. 

Reviewed By: 

Date: 5/14/20
May 20, 2020

Kevin Holmes
PDS – Current Planning

Re: PUD20-00019

Dear Kevin,

This is a request for 6016 N Pierce Park Ln

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

Comments:

1. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)

2. Fire apparatus access roads shall not exceed 10 percent in grade. Nor shall access roadways exceed a 2 percent grade for the first 80 feet at the grade transition. Turnarounds shall not exceed 2 percent grade. (IFC D103.2, BCC 05-12-65)

3. For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (BCC5-12-32, IFC 503.8)

General Requirement:

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

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

Regards,
Todd Callahan
Interim Division Chief – Assistant Fire Marshal
Boise Fire Department
To: Planning and Development Services
From: Mike Sheppard, P.E., Civil Engineer II
Public Works Department
Subject: SUB20-00016; 6016 N Pierce Park Lane; Sewer Irrigation Sub Comments

1. STANDARD IRRIGATION CONDITIONS

   a. Comply with B.C.C. 11-09-04.11 concerning pressure irrigation requirements prior to signing of the final plat by the Boise City Engineer.
      1. The owner, person, firm or corporation filing the subdivision plat shall provide a pressurized irrigation system. The system must conform to the minimum design standards and specifications of Boise City, or of the entity that will operate and maintain the system, if that entity has published standards; or
      2. The owner, person, firm or corporation filing the subdivision plat shall provide written documentation that a valid waiver of the requirement to provide a pressure irrigation system and that Idaho Code 31-3805(1)(a) regarding transfer of water rights, has been complied with.
   b. Prior to either commencing construction or signing of the final plat by the Boise City Engineer, developer shall:
      1. Submit for approval by the Department of Public Works, construction plans and specifications for the pressurized system, stamped by a registered engineer.
      2. Provide written assurance that provisions have been made for ownership, operation, and maintenance of the system.
      3. Delineate all necessary irrigation easements on the final plat (B.C.C. 11-09-03.6).
   c. Developer shall provide for an independent inspection of the installation of irrigation facilities and written certification by the design or project engineer that the system was installed according to the approved plans. In addition, the Department of Public Works must be present for the system pressure test and participate in a final inspection.
   d. Developer may construct prior to final platting or bond in the amount of 110% of the estimated construction costs based on the approved plans.
e. **Fees**: Developer and/or owner shall pay the current inspection and plan review fees applicable to the proposed subdivision prior to signing of the final plat by the Boise City Engineer (B.C.C. 11-03-03.3.B.).

## 2. STANDARD SEWER CONDITIONS

**City Subdivision Conditions**

a. Wetline sewers are required (B.C.C. 11-09-04.4., *Required Improvements; Sanitary Sewer*).
   1. Plans shall be submitted to and approved by the Boise City Department of Public Works prior to commencing with construction. Developer and/or owner may either construct improvements prior to final platting or execute a performance agreement and provide surety in the amount of 110% of the estimated costs. The developer and/or owner shall coordinate with the Department of Public Works for construction inspection prior to and during construction. Unless otherwise approved by the Public Works Department, all sewer construction shall be completed and accepted within 90 days of plat recordation, or within 30 days of issuance of the first building permit within the subdivision, whichever comes first.

   **NOTE**: All bonding shall conform to Boise City Code 1-19, *Surety Bonds*.

   2. Developer and/or owner shall pay the current sewer inspection fees for the proposed subdivision prior to signing of the final plat by the Boise City Engineer.

   3. Developer and/or owner shall be responsible for repairs of any failures that occur within one (1) year of the project acceptance by the appropriate sewer entity (Boise City Code 11-09-04.2F, *Subdivision Standards; Required Improvements*).

b. Developer and/or owner shall delineate all necessary Boise City sanitary sewer easements on the final plat prior to signing of the final plat by the Boise City Engineer (Boise City Code 11-09-03.6A, *Subdivision Design Standards; Easements*).

   c. Unless previously paid, developer and/or owner shall pay a sewer assessment along N Pierce Park Lane and/or as may be approved by the Boise City Public Works Commission prior to signing of the final plat by the Boise City Engineer. Contact the Department of Public Works for specific costs.

c. Developer and/or owner shall comply with all provisions of the Boise City “Sewer Tap” Ordinances.
   1. Developer and/or owner may either construct prior to final platting or post bond/agreement in the amount of 110% of the estimated costs. Please contact the Public Works Department for specifications and inspections during construction.

   **NOTE**: All bonding shall conform to B.C.C. 11-09-04.2., *Required Improvements; Filing of Plans and Bonding Surety*, which specifies that the improvements to be made shall be done in a time period not to exceed one year from the date of approval of the final plat.
Upon development of the property, connection to central sanitary sewer is required. Sewers are available in N. Pierce Park Lane.

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

If you have any further questions, please contact Mike Sheppard at 608-7504.
Date: May 14, 2020

To: Planning and Development Services

From: Melissa Jannusch, EIT
Associate Engineer
Public Works Engineering

Subject: SUB 20-00016 | Culver Subdivision
6016 N Pierce Park Ln
Grading & Drainage, Hillside, & Misc. Engineering Comments

1. STANDARD GRADING AND DRAINAGE CONDITIONS

1) Subdivision drainage shall be in accordance to B.C.C. 11-09-04-05. The developer shall submit a letter from the appropriate drainage entity approving the drainage system or accepting the drainage there from. A copy of the construction drawing(s) depicting all site drainage improvements shall be submitted with the letter.

a. Developer may either construct improvement prior to final platting or post bond in the amount of 110% of the estimated construction costs. Estimated construction costs shall be provided by the developer's engineer.

b. For drainage facilities located outside of the public right-of-way, the developer shall dedicate a storm drainage easement. Said easement shall be labeled as either an Ada County Highway District storm drainage easement or a homeowners’ association storm drainage easement, depending on what entity will assume responsibility for the operation and maintenance of the storm drainage system.

c. If the homeowners’ association is to be responsible for the operation and maintenance of the storm drainage facilities, the covenants,
Homeowners’ association by-laws or other similar deed restrictions shall be reviewed and approved by the Boise City Attorney.

2) If fills greater than one foot in depth are to be placed in subdivision lots inside of building envelopes, as defined by the applicable subdivision building setbacks, the Developer shall obtain a grading permit from the Boise City Building Department (Rough Grading Permit). Grading permit must be acquired prior to the start of construction or final plat signature by the Boise City Engineer, whichever comes first.

Special Conditions:

2. EROSION CONTROL CONDITIONS

1) Subdivision work shall be in accordance to B.C.C. 08-17 Construction site Erosion Control Ordinance. The developer shall obtain an Erosion Control Permit from the Boise City Building Department. The Erosion Control Permit must be acquired prior to the start of construction.

2) This project will require an Erosion Control Plan (ECP) or Stormwater Pollution Prevention Plan (SWPPP) to be submitted with the permit application. The plan must bear the signature and certification number of an individual who has successfully complete a Boise City approved training course.

Special Conditions:

3. STANDARD HILLSIDE CONDITIONS

NA

4. MISC. ENGINEERING CONDITIONS

NA

5. PRIVATE STREET CONDITIONS

1) The following private street requirements must be met in an acceptable format:

a. Convey to those lot owners taking access from the private street, the perpetual right of ingress and egress over the described private street, and

b. Provide that such perpetual easement shall run with the land, and

c. Provide each lot owner taking access from the private street, undivided interest within the private street.
2) A restrictive covenant for maintenance and reconstruction shall be recorded at the time of recording the plat which covenant, (a) creates the formation of a homeowners association for the perpetual requirement for the maintenance/reconstruction of the private street, and private street signs and (b) provides that said covenant shall run with the land, and (c) provides that the homeowners association shall not be dissolved without the express consent of Boise City.

3) Said easement and covenant to be reviewed and approved by the Boise City Attorney (B.C.C. 9-20-7.E.2.q & 9-20-7.E.2.r).

4) Private street widths shall be in conformance with B.C.C. 11-09-03.5. or as allowed via B.C.C. 11-09-05. All private streets, base and pavement, shall be constructed to the same construction specifications required for public streets. Contact the Ada County Highway District (ACHD) for public street construction requirements (B.C.C. 11-09-03.5.B.).

   a. Certification of construction to ACHD specifications is required from an independent testing laboratory or a consulting engineer, including test results for the verification of construction (B.C.C. 11-09-03.05.B.(2)(e)).

      i. If it is an existing private street, verification of acceptable construction of the existing private street, including acceptability for use of emergency vehicles (including fire trucks and ambulances), is required from an independent testing laboratory or a registered Professional Engineer.

   b. Sidewalks are required on both sides of the private street (or in compliance with the sidewalk plan approved with the conditional use) unless specifically waived by the Boise City Council.

   c. Private street signs shall be installed in the same manner as public street signs (see requirements of ACHD).

   d. The developer shall pay the current drainage review and inspection fees on the proposed subdivision (B.C.C. 11-03-03.3.B.).

   e. Drainage facilities for the private street shall comply with Boise City's Storm Water Management and Discharge Control Ordinance (B.C.C. 8-15). Plans shall be approved and construction inspected by Boise City Public Works.

      i. Developer and/or owner may either construct prior to final platting or post bond/agreement in the amount of 110% of the estimated costs, including certification (B.C.C. 11-09-04.2., Filing of Plans and Bonding Surety).
Special Conditions:

If you have any further questions, please contact Melissa Jannusch

Melissa Jannusch, E.I.T.
Associate Engineer
Hillside Coordinator
Public Works Engineering
208-608-7168
mjannusch@cityofboise.org

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\Boise\pw\Common\PWA\Subjects\Review Comments\Subdivision Comments\Temp (uploaded comments)\Drainage Hillside Eng comments\MMJ-Grading, Drainage, Hillside & Misc Sub Comment - Culver.docx
TO: Planning and Development Services  
FROM: Evan Carpenter  
Environmental Analyst  
Public Works Department  
DATE: 5/21/2020  
RE: Solid Waste Comments – SUB20-00016

City of Boise Solid Waste staff has reviewed the application for this project and has the following comment:

The tenants/owners of these lots must take their solid waste carts to the private street for collection or pay for carry-out service. The solid waste collection vehicle will not enter the shared driveways.

Please contact me with any questions at 208-608-7161 or ecarpenter@cityofboise.org.
To: Planning and Development Services

From: Tom Marshall, Street Light Program Technician
      Public Works Engineering

Subject: Street Light Subdivision Comments
SUB20-00016: 6016 N Pierce Park Ln:

**City Subdivision Conditions**

a. Developer shall delineate on the face of the final plat a Boise City street light easement, acceptable to the Boise City Department of Public Works, for the purpose of installing and maintaining city-owned street light fixtures, conduit, and wiring lying outside the dedicated public right-of-way (B.C.C. 11-09-03.6.).

b. The Developer shall be required to install, at their expense, street lights in accordance with Boise City Public Works specifications and standards at locations designated by the Public Works Department (B.C.C. 11-09-04.9.). Plans shall be reviewed and approved by the Boise City Public Works Department prior to commencement of construction or bonding.

c. **Fees:** Developer shall pay the current street light inspection and plan review fees on the proposed subdivision (B.C.C. 11-03-03.3.B.).

d. Developer shall not connect, or allow any subcontractor to connect any irrigation timers, decorative lighting, entrance lighting, outlets or other electrical devices to any street lighting circuits. Any and all irrigation timers, decorative lighting, entrance lighting, outlets or other electrical devices shall be connected directly to Idaho Power at an Idaho Power approved location.

e. The street lights shall be installed and accepted by the Boise City Public Works Department at the following locations. Unless otherwise noted, street lights shall be installed at a 25-foot minimum mounting height, Class “A” LED residential fixture (see Street Light Approval Fixtures on the City of Boise website)
   1) Light Locations:
• 210’ east of Pierce Park Ln on the private street a privately owned light maintained by the HOA.

f. If approval for bonding is granted by the Boise City Public Works Department, Developer may bond in the amount of 110% of the estimated street light costs. Street lights shall be installed within 90 days of the issuance of the first building permit in the development, if building permits are obtained prior to completion of street light improvements.

g. As per Idaho Power requirements the lights along following street frontages must be installed on a metered service. Meter service cabinet location to be in the right of way or in a developer designated City Street Light Easement and shall meet the requirements of the Idaho Standards for Public Works Construction, Standard Drawings SD-1125 or SD-1126, and BC-SD-1127, and the Boise City Standard Revisions for ISPWC Division 1102 Street Lights. See Street Light approved fixtures and materials on the City of Boise web page.

h. Developer, engineer, or electrical contractor shall submit a street light plan using the Boise City Street Light Design Check List to public works for approval. Once approved three copies are required.

i. All electrical work must be completed by a licensed journeyman electrician, as per state code to include underground conduit, wire, pole base, light pole, fixture and meter cabinets. The electrician must be present at all inspections and all work shall be performed to the current National Electrical Code.

Special Conditions: Private light pole

If you have further questions, please contact Tom Marshall at 208-608-7526
May 14, 2020

PDS Building Department Plan Review:

The subdivision Preliminary plat SUB20-00016 has been reviewed and the existing structures on the property appear to be in non-compliance with proper required distance from the proposed property lines, thus a demolition permit or a permit to move structures must be applied for prior to any signoff from the building plan review division.

Jenny Nelson
Plans Examiner II
Planning and Development Services
Office: (208)608-7109
jnelson@cityofboise.org

Making Boise the most livable city in the country.
MEMO

TO: Mayor and Boise City Council
FROM: Cody Riddle, Deputy Planning Director
PREPARED BY: Ethan Mansfield, Associate Planner
HEARING DATE: August 25, 2020
RE: SUB20-00015 / Preliminary & Final Plat / 3622 W Sunset Ave

On July 13, 2020 the Planning and Zoning Commission recommended approval of a preliminary and final plat for a residential subdivision comprised of 2 buildable lots on 0.31 acres located at 3622 W Sunset Avenue in an R-1C (Single Family Residential) zone.

TABLE OF CONTENTS

- Background & Summary of Planning and Zoning Commission Action
- Recommended Conditions of Approval
- Preliminary and Final Plat
- Action Letter from July 13, 2020 P&Z Hearing
- Minutes from July 13, 2020 P&Z Hearing
- Project Report & Late Correspondence from July 13, 2020 P&Z Hearing

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through the Permitting & Licensing Portal.
BACKGROUND & SUMMARY OF PLANNING & ZONING COMMISSION ACTION

The project involves a preliminary and final plat for a residential subdivision comprised of 2 buildable lots on 0.31 acres located at 3622 W Sunset Avenue in an R-1C (Single Family Residential) zone. The Planning & Zoning Commission unanimously approved an associated PUD (PUD20-00018) for 2 single-family homes and recommended approval of the preliminary and final plat without public opposition. At the hearing, the applicant spoke in opposition to Condition #2, the requirement to install sidewalk, included in the project report.

The applicant proposes to retain the existing single-family home on the eastern lot and construct one new single-family home on the western lot. The Planning & Zoning Commission approved a reduced lot width of 43-feet for the western lot via the PUD. All perimeter setbacks are met and no interior setback reductions are proposed. While accessing multiple homes via one shared driveway is generally preferred, the applicant proposes two separate drives in order to retain an existing mature catalpa tree, a design that the Planning & Zoning Commission supported. The new home will be served by a detached two-car garage located behind the structure and accessed by a 9'-wide drive. Another driveway will be created to access a new parking pad that will serve the existing home.
Connectivity
The applicant requests a waiver of the requirement to install curb, gutter, and sidewalk along 95-feet of Sunset Avenue abutting his property. ACHD supports the waiver of curb and gutter, as their installation would negatively impact drainage of the site and surrounding area. The Planning & Zoning Commission agreed. As evidenced in the meeting minutes, the Commission considered the applicant’s request to waive the requirement to install sidewalk. The applicant argued that sidewalk located immediately across the street satisfied the City’s goals for connectivity, that the sidewalk end-caps likely required by ACHD would hinder current connectivity and be neither safe nor aesthetic, and that, due to the age and condition of the surrounding homes, redevelopment of the surrounding area was unlikely in the future. Additionally, public testimony supporting the waiver was provided. After substantial discussion and a failed motion to waive the requirement, the Commission unanimously voted to approve the project with the requirement to install sidewalk. The Commission found that installation of sidewalk should be required due to the lack of physical barriers preventing installation, in addition to the reasons outlined in the project report.

Tree Mitigation
The applicant proposes to remove a large Silver Maple and replace it with a Class II tree and Class I tree, as recommended in the applicant’s discussions with City of Boise Forestry. While the number of caliper inches will shrink due to the Silver Maple’s large size, the number and quality of trees will increase.

CONCLUSION & RECOMMENDATION
No opposition has been received regarding the development and all commenting agencies have approved it with standard conditions of approval. As outlined in the original project report, the proposed subdivision complies with the standards of the Boise City Development Code and Blueprint Boise. The Commission recommended approval of the preliminary and final plat at their July 13, 2020 hearing.

CONDITIONS OF APPROVAL

Site Specific
1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received April 16, 2020 and the revised landscape plan on May 29, 2020, except as expressly modified the following conditions:

2. The applicant shall construct a sidewalk along the Sunset Avenue street frontage. Contact ACHD prior to beginning any work.

Agency Requirements
3. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:
a. Ada County Highway District (May 15, 2020); and
b. Central District Health Department (May 18, 2020); and
c. Boise City Fire Department (May 11, 2020).

4. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:

   a. Drainage (May 14, 2020); and
   b. Sewer (May 8, 2020); and

Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

Subdivision:

5. The following notes shall be placed on the face of the Final Plat stating:

   a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD20-00018 and SUB20-00015.

   b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD20-00018, at the time of issuance of individual building permits.

6. The Mylar shall include the following endorsements or certifications (I.C. Title 50, Chapter 13). These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

7. The name, Shire Subdivision, shall be reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Engineer, the new name to the Planning and Development Services Department.
and re-approval by the Council of the "Revised" Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "Revised" Final Plat for public hearing.

8. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (B.C.C. 11-09-03.4E).

9. A letter of acceptance for water service from the utility providing the same is required (B.C.C. 11-09-04.3).

10. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).

11. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

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

12. A letter from the appropriate school district is required stating, "The Developer has made arrangements to comply with all requirements of the School District."

13. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

   a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied, OR

   b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

14. Covenants, homeowners' association by-laws or other similar deed restrictions, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces, shall be reviewed and approved by the Boise City Attorney. After recordation of the Final Plat and CC&R's, no building permit shall be accepted until a copy of the recorded CC&R's has been submitted to the Boise City Attorney.

15. Prior to the City Engineer's Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of the Boise City Code, is to be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.
16. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

17. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:
   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District.

18. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.
   
   a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.
   
   b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.
   
   c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.

19. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a “Satisfaction of Non-Building Agreement” is recorded.

20. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City. Contact Erosion Control at 208-608-7100 for more information.
Standard Conditions of Approval

21. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

22. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

23. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

24. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

25. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

26. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

27. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

28. Utility services shall be installed underground.

29. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

30. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or an authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.
31. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

32. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.

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

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

35. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

36. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

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

Certificate of Owners

NOW ALL MEN OF TENDING THAT the undersigned does hereby certify that he is the owner of a certain tract of land to be known as "SHIRE SUBDIVISION", as described in the following: The north corner of the tract is located in the East 30th Street of Lot 44 of Wood Park as shown in Book 5 of Plat, at Page 548, filed in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 30, Township 4 North, Range 4 East, Boise City, Ada County, Idaho, being more particularly described as follows:

Commencing at the west corner of said Section 30 which bears S90°05'50"E, 2860.06 feet from the Northwest Corner of said Section 30, thence N30°01'29"W, 63.02 feet along the center-line of N 156" Street, thence N95°27'12"W, 176.00 feet along the center-line of West Stuart Avenue, thence N07°31'38", 20.00 feet to the SW corner of said Lot 34 and the West Point, thence N99°25'48", 94.87 feet along the South boundary of said Lot 34, thence N07°13'32", 140.02 feet to the North boundary of said Lot 34, thence S08°27'54", 24.81 feet to the NE corner of said lot, thence S07°10'32", 140.01 feet along the western boundary said Lot 34 to the West Point.

Comprising, 13,280 square feet, more or less.

The execution shown on this plat is not identical with the public, but the right to use said execution is hereby reserved for the use specifically intended on the plat, and for any other purpose designated herein, and no permanent structure or to be erected within the lines of said execution. The lots within this subdivision are eligible to receive water service from Suez Water, Idaho, and Salt Water, Idaho, has agreed to serving all of the lots within this subdivision.

I WITNESS WHEREOF: We have hereunto set our hands.

B & A Engineers, Inc.
Consulting Engineers, Surveyors & Planners
5305 W. Franklin Rd. Boise, ID 83705
(208) 343-3381

Certificate of Surveyor

I, CARL L. BLOOM, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this plat of "SHIRE SUBDIVISION" as described in the Certificate of Owners and as shown on the attached plat, was drawn from an actual survey made on the ground under my supervision, and accurately and correctly represents the parcels designated herein, and is in conformance with the State of Idaho Code, 67B-5, 1967 and surveys.

Boise City Clerk

Approval of City Council

I, the undersigned, City Clerk in and for the City of Boise, Ada County, Idaho, do hereby certify that a regular meeting of the City Council held on the ______ day of ______, this plat was duly accepted and approved:

Boise City Clerk

Certificate of County Surveyor

I, the undersigned, Professional Land Surveyor for Ada County, Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to plats and surveys.

County Surveyor

Certificate of County Treasurer

I, the undersigned, County Treasurer in and for the County of Ada, State of Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to plats and surveys.

Ada County Treasurer

Certificate of County Recorder

I, the undersigned, County Recorder in and for the County of Ada, State of Idaho, do hereby certify that this instrument was filed in the office of the County Recorder of Ada County, Idaho, on the ______ day of ______, and is a true copy of the instrument filed. I hereby certify that the signature of the undersigned is the same as that of the person whose signature appears on the instrument of which this is a true copy.

County Recorder

B & A Engineers, Inc.

Acknowledgment

State of Idaho
County of Ada
On the ______ day of ______, in the year of 2020, before me, the undersigned, personally known to me, the individual known or identified to me to be the person whose name is subscribed to the instrument hereof, I, the undersigned, acknowledged me as the person who executed the same.

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

Notary Public for Idaho
Notary Seal

Approval of Central District Health Department

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied according to the letter to be used on this plat with the County Recorder or his agent listing the conditions of approval. Sanitary restrictions may be re-imposed, in accordance with Section 53-1206 Idaho Code, by the issuance of a certificate of disagreement.

Central District Health Department, DHS

Approval of Ada County Highway District

The foregoing plat was accepted and approved by the Board of Ada County Highway District Commissioners on the ______ day of ______.

Commission President
Ada County Highway District

Approval of City Engineer

I, the undersigned, City Engineer, in and for the City of Boise, Ada County, Idaho, do hereby approve this plat.

Boise City Engineer
July 15, 2020

Matt Smith
3622 W Sunset Ave
Boise, ID 83703
matt@hmi-mfg.com

Re: PUD20-00018 & SUB20-00015 / 3622 W Sunset Ave

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a conditional use permit for a planned residential development comprised of 2 single-family homes on 0.31 acres located in an R-1C (Single-Family Residential) zone. Also included are preliminary and final plats for a residential subdivision comprised of 2 buildable lots.

The Boise City Planning and Zoning Commission, at their hearing of July 13, 2020, approved your conditional use request, based on compliance with the attached Reason for the Decision and Conditions of Approval.

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

1. This conditional use approval will not take effect until after the appeal period has lapsed.

2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the hearing date. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at: http://pds.cityofboise.org/.

3. All appeals of this conditional use permit must be filed by 5:00 P.M., on July 23, 2020.

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

This letter constitutes your Conditional Use Permit.
On **July 13, 2020**, the Boise City Planning & Zoning Commission **recommended approval** of the Preliminary and Final Plat of the Shire Subdivision to the Boise City Council, subject to compliance with the Conditions of Approval listed below.

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

Unless otherwise specified, all conditions shall be completed prior to signing of the Final Plat by the Boise City Engineer.

Questions can be directed to me at (208) 608-7134 or emansfield@cityofboise.org.

Sincerely,

Ethan Mansfield  
Associate Planner, Current Planning and Subdivisions  
Boise City Planning and Development Services

EM/mh  
cc: Matt Mundy / Strite Design + Remodel / remodel@stritedr.com  
     Matt Ciranni / Veteran’s Park Neighborhood Association / mattjc@cableone.net
REASON FOR THE DECISION

Planned Unit Development
The project complies with Boise City Code Section 11-03-04.7 (Planned Unit Development). The project is compatible with the surrounding single-family neighborhood. Correspondence received from commenting agencies confirm that the use will not place an undue burden on the transportation system or other services in the vicinity. The site is large enough to accommodate the proposed use and the project will not adversely affect other property in the vicinity, as the single-family homes will comply with the height requirements and setbacks of the R-1C zone. It is also in compliance with the Comprehensive Plan. The addition of a new single-family complements and reflects the character of the neighborhood (Goal NAC3.1, Goal NAC3.2, Goal NE-CCN 1.3, Goal NE-CCN 1.4). Infill development is supported by Goal CC1.1 which encourages infill development in order to reduce vehicle miles traveled and avoid costly extensions of transportation infrastructure.

Subdivision
As further detailed in the project report, the applicant’s proposal complies with Boise City Code Section 11-03-04.4 (Subdivisions Plat). A waiver to the requirement to install curb and gutter reflects ACHD’s comments that drainage of the site would be negatively impacted due to lack of drainage facilities if curb and gutter were installed in this location. As conditioned, the submitted preliminary and final plat are consistent with the Development Code and the Comprehensive Plan.

CONDITIONS OF APPROVAL

Site Specific
1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received April 16, 2020 and the revised landscape plan on May 29, 2020, except as expressly modified the following conditions:

2. The applicant shall construct a sidewalk along the Sunset Avenue street frontage. Contact ACHD prior to beginning any work.

Agency Requirements
3. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:

   a. Ada County Highway District (May 15, 2020); and
   b. Central District Health Department (May 18, 2020); and
   c. Boise City Fire Department (May 11, 2020).

4. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:
a. Drainage (May 14, 2020); and
b. Sewer (May 8, 2020); and

Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

Subdivision:

5. The following notes shall be placed on the face of the Final Plat stating:
   a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD20-00018 and SUB20-00015.
   b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD20-00018, at the time of issuance of individual building permits.

6. The Mylar shall include the following endorsements or certifications (I.C. Title 50, Chapter 13). These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.
   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

7. The name, Shire Subdivision, shall be reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Engineer, the new name to the Planning and Development Services Department and re-approval by the Council of the "Revised" Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "Revised" Final Plat for public hearing.

8. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (B.C.C. 11-09-03.4E).
9. A letter of acceptance for water service from the utility providing the same is required (B.C.C. 11-09-04.3).

10. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6). 11. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

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

11. A letter from the appropriate school district is required stating, "The Developer has made arrangements to comply with all requirements of the School District."

12. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

   a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied, OR

   b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

14. Covenants, homeowners’ association by-laws or other similar deed restrictions, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces, shall be reviewed and approved by the Boise City Attorney. After recordation of the Final Plat and CC&R’s, no building permit shall be accepted until a copy of the recorded CC&R’s has been submitted to the Boise City Attorney.

15. Prior to the City Engineer’s Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of the Boise City Code, is to be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

16. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

17. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:

   a. Signatures of owners or dedicators,

   b. Certificate of the Surveyor,
c. Certificate of the Central District Health Department,

d. Acceptance of the Commissioners of the Ada County Highway District.

18. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.

a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.

b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.

c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.

19. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a “Satisfaction of Non-Building Agreement” is recorded.

20. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City. Contact Erosion Control at 208-608-7100 for more information.

**Standard Conditions of Approval**

21. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

22. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.
23. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

24. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

25. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

26. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

27. Deciduous trees shall be not less than 2” to 2 1/2” inch caliper size at the time of planting, evergreen trees 5’ to 6’ in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

28. Utility services shall be installed underground.

29. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

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

31. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.
32. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.

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

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

35. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

36. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

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

IN RE: PUD20-00018 / MATT SMITH )

and )

SUB20-00015 / SHIRE SUBDIVISION )

3622 West Sunset Avenue )

_________________________________________ )

TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, JULY 13, 2020

COMMISSIONERS PRESENT:

BOB SCHAFER, CO-CHAIR
ASHLEY SQUYRES
CHRISTOPHER BLANCHARD
JENNIFER MOHR
MILT GILLESPIE
JANELLE FINFROCK
JIM BRATNOBER

TRANSCRIBED BY:

VICTORIA HILLES
INTRODUCTION

CO-CHAIRMAN SCHAFER: All right. We've got Mr. Blanchard who's back, so we're going to go ahead and proceed with our last item this evening, PUD20-18 and SUB20-15 at 3622 West Sunset Avenue, a conditional permit and preliminary plat for a two-buildable-lot subdivision on 0.31 acres in an R-1C zone.

Mr. Letson, the floor is yours.

LEON LETSON: Good evening, Chair and Commissioners.

Let me share my screen real quick.

All right. Let me know when you see that.

Can everyone see my PowerPoint there?

CO-CHAIRMAN SCHAFER: Yes, we can. Sorry. We can.

LEON LETSON: Very good. All right. Great.

The items before you are a two-lot PUD and subdivision located at 3622 West Sunset Avenue in an R-1C zone. The subject property is a 0.3-acre parcel located on the north side of Sunset Avenue between 36th Street and Woody Drive. Surrounding uses include single-family homes on lots ranging from one-eighth to one-third of an acre in size. Howard Taft Elementary
is approximately 500 feet to the southwest, and the
intersection of Veteran's Memorial Parkway and State
Street is less than one-quarter of a mile to the
south.

The PUD consists of two lots that are
approximately 6,000 and 7,300 square feet each. The
only dimensional standard the Applicant is utilizing
the PUD for involves a reduction to the minimum lot
width of 50 feet typically required in the R-1C zone.
The lot pictured here on the west side of the
development will be approximately 43 feet wide. Both
homes will be served by individual driveways and
parking will be located behind the homes. Other than
the removal of one silver maple at the center of the
new lot on the west, all existing trees onsite will be
retained and additional trees will be planted
throughout the development, as well.

As previously mentioned, the project
includes a two-lot subdivision. Included in this
request is a waiver to the requirements to install a
curb, gutter, and sidewalks. Although the planning
team is supportive of the request to waive curb and
gutter, we believe sidewalks should be installed.
Pictured here is an overview of the neighborhood.
Currently, sidewalks exist on the south side of Sunset
Avenue. So this area here, we have attached sidewalks and approximately 130 feet to the east on that other side of Sunset Avenue near the intersection with 36th Street.

All reviewing agencies and departments approve the project with standard conditions. ACHD does support waiving curb and gutter for drainage and other typical reasons that they waive curb and gutter on projects like this. It should be noted that included in late correspondence, the project -- there was a project -- sorry. There was a letter from the neighbor to the east, who encouraged waiving the sidewalk, as well, and I hope the Commission had a chance to read that letter. But largely, some of their major concerns were signs typically used by ACHD to show the end of a sidewalk. And if you've driven around our city, you've probably seen these. They're kind of large, red-and-white signs indicating that no sidewalk continues beyond this point. So from a visual standpoint, they were concerned. And if they are on the call tonight, they can give you additional reasons, as well, but they were also stated in that letter so...

In conclusion, the planning team recommends approval of the PUD and waiver of the
Subdivision Ordinance requirement for curb and gutter, as well as the two-lot subdivision. The motions needed are a final decision on the Planning and Development and a recommendation to Council on the subdivision.

And that concludes my presentation. Thank you.

CO-CHAIRMAN SCHAFTER: Okay. Thank you, Leon.

Okay. We'll go ahead and hear from the Applicant.

Mr. Smith, if you could start with your name and address, please.

MATT SMITH: Hi. My name is Matt Smith. 3622 West Sunset. I'm here with my wife, Sam Smith [phonetic].

SAM SMITH: Hello.

MATT SMITH: And can everybody hear us?

CO-CHAIRMAN SCHAFTER: We can. Yeah.


So thank you, guys, for sticking around for so late and looking at reviewing this for us.

I just wanted to mention a couple things, like -- we are -- we do have a waiver, and we decided to do the waiver like -- it took a little while before we actually came to this conclusion, but I was talking
to Ethan, and I thought that was actually fine with
the sidewalk -- sidewalk and curb and gutter, if not
all of it, until I started talking to ACHD, and I
realized -- Ethan had asked me if they were planning
on having it in their five-year, and so I went ahead
and asked that. And then ACHD mentioned that
they -- I think it was Stacey Yarrington with ACHD.
She mentions it's not in the five- or ten-year plan
for ACHD. In fact, it's not in the plan at all to put
a sidewalk, and I didn't know this, but apparently,
like, the City wouldn't ask for the sidewalk unless
there was a subdivision going in. This is sort
of -- this is Ethan mentioning that to me.

And the two houses to the east of us
are -- they're developed, and the lots are developed,
and they were just purchased recently by two young
couples. And they would have to actually get rid of
that house and then divide those lots out to be
required to have sidewalk out in front. And my fear
is that I would spend $8,000 -- I actually don't know
how much the sidewalk would cost. Maybe it's more
than that, but I imagine it's something like that to
cover the 95 feet -- and it would be an island
sidewalk for 20 years until ACHD decided that they
wanted to redo the road, and then they would rebuild
it or take it out. And I kind of feel like -- and
this is Ethan's own words in the description that it's
extremely unlikely infill development or redevelopment
will happen, because it's a well-maintained and
valuable, mid-century home and the lots
are -- basically, I have the largest lot, and we're
planning on moving over into that -- into the new
house from the existing one.

And so I just don't see it as something
that they're --- that that would happen.

Sorry. Kitty.

And I think there was also just recently a
house built right around the corner from us, and they
weren't really required to build any side -- actually
weren't required at all to build sidewalk, curb, or
gutter. And then I think it is pretty --- kind of a
valid point with the sign barrier. So if this thing
sits there for 20 years and there's a sign barrier at
the end of the lot and nobody's really using it, then
I just kind of like --- I kind of question the validity
or, like, the reason for having that there.

And I understand if we're going to connect
that and there's really a chance to connect it, then
let's do it. But if we're going to spend 8,000 and
every morning have to go out and look at a sidewalk
that's never connected, it would be unfortunate. So
that's -- I think that's -- was there anything else
you wanted to say, Sam?

   SAM SMITH: Oh. Well, I just -- yeah. Thank
you for listening to us.

   I think my biggest concern was just
the -- just to kind of echo what Matt said, and that's
the fact that the sidewalk won't be continued. And so
we fully support sidewalks in Boise, we think they're
extremely important for pedestrians and for parking
and -- but that's the main concern is that we would
just have sort of this island with signs at the ends.
And the chances of there being a continued sidewalk
seems pretty limited right now. But we are, you know,
fully open to putting in a sidewalk if you guys think
that's what's best. We just wanted to have -- to
voice these concerns and see what you think.

   MATT SMITH: Thanks. I think that's good -- I
think we -- that's it. Thanks.

   CO-CHAIRMAN SCHAFER: Okay. Thank you very
much.

   NEIGHBORHOOD ASSOCIATION

   CO-CHAIRMAN SCHAFER: Okay. We'll see -- I
don't know if we have someone from the neighborhood
association online. It's the Veterans Park
Neighborhood Association.

If they're online, please raise your hand.

Okay. No takers.

So with that, we will go ahead -- there's really nothing to rebut by the Applicant. So with that, we'll just go ahead and throw it back to the Commission for any questions to either staff or the Applicant.

COMMISSIONER SQUYRES: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner Squyres.

COMMISSIONER SQUYRES: I have a question for staff.

So, Leon, talk to me about -- I'm having the same issue that the Applicant's having with the sidewalk. I'm always a huge advocate for pedestrian connectivity, but this doesn't make a whole lot of sense to me right now, especially because it's not in ACHD's five- or ten-year work plan. It -- is there other parcels that are getting ready to redevelop that we may need to know about or other opportunities to connect that sidewalk sooner than later that should be considered as part of this?

LEON LETSON: Madam Chair, Commissioner Squyres, not to my knowledge. There's no redevelopment in the area that would really connect this property to
existing sidewalks in the area. It's more of a principle that we try to get sidewalks wherever we can. Certainly at the discretion of the Commission to decide if that's appropriate here or not. I mean, I think that there have been good arguments made on both sides, but, back to your point, yeah, no. No adjacent parcels redeveloping that staff is aware of, so...

COMMISSIONER SQUYRES: Thank you.

COMMISSIONER GILLESPIE: Leon -- or Madam -- Mr. Chairman.

CO-CHAIRMAN SCHAFTER: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Leon, is -- are there any physical aspects of this development that would make putting in the sidewalk any more difficult than it is anywhere else in the city under similar development circumstances?

LEON LETSON: Chairman, Commissioner Gillespie, no. I don't believe so. I think we're able to retain all of the existing trees onsite and will be able to accommodate for new trees. It's simply, I think, to the point that there's not going to be a connection on either side for a while that seems to be the biggest concern, but no -- nothing that would prohibit the sidewalk. The curb and gutter were problematic for ACHD, as noted in their review, that it would run the
potential to create some drainage issues. But yeah, no constraints on the site that would prohibit the -- or limit our ability to have a sidewalk.

COMMISSIONER GILLESPIE: Thank you.

COMMISSIONER BRATNOBER: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Hi. Yeah. A couple of questions for you, Leon.

So you mentioned that ACHD had waived curb and gutter. Did they also waive sidewalk?

LEON LETSON: Commissioner Bratnober, they were supportive of the waiver of curb and gutter, and I can go back and look at the review for you real quick to answer that question more thoroughly. But per ACHD's review, they basically say, "If the City is going to require sidewalk, have them coordinate with our agency to make sure that it's designed properly and located in the right place," but they oftentimes remain neutral here. As the Applicant has mentioned, there is no plan to build out Sunset Avenue in this area in the next five to ten years with a more cohesive, you know, street rebuild that we've seen in other parts of the city, typically on, like, arterials and collectors.

So from that standpoint, I think, again,
ACHD seems to be neutral about sidewalk here. If the City wants it, they'll help us figure out what it should look like.

COMMISSIONER BRATNOBER: Okay.

Mr. Chair.

CO-CHAIRMAN SCHAFER: Yes, Commissioner Bratnober.

COMMISSIONER BRATNOBER: So -- yeah. I'm trying to relate this to situations where we've dealt with, you know, other islands -- or proposals for island sidewalks. And in many of those cases, we've said, "No. That doesn't seem to make sense."

And so I'm trying to define what the difference here -- because, quite frankly, the analysis makes a compelling argument to not have it. It lists about five points that -- actually the Applicant has listed those in his testimony previously, and it seems to be referencing Comprehensive Plan goals that don't directly talk about sidewalks.

So can you help me to find a difference in this versus other areas where we've actually said, "No. We shouldn't put in an island sidewalk."

LEON LETSON: Yeah, Commissioner Bratnober. I think I -- again, it seems to be more of a principle
move that sidewalks are a good play here to promote connectivity. It is a -- you know, a redeveloping neighborhood. There is a park in close proximity, a school in close -- well, not a park -- there's a school in close proximity. So generally we like to see improved pedestrian facilities in situations like that.

But it is -- I would say that it's largely a high-level, like, push to get these sidewalks -- not so much like, "This is an important corridor for the city right here that we need to have this sidewalk." It's really just kind of a principle move that, you know, if there's room to do it, let's do it, and we'll see what happens to those adjacent parcels and see if we can get something connected.

But yeah, we've still -- you know, as I mentioned earlier, there's about a 130-foot gap that'll be between the edge of that sidewalk and then heading east to the existing sidewalk at the corner of 36th and Sunset. How long that takes to fill in? You know, that's really a matter of redevelopment occurring. So...

COMMISSIONER BRATNOBER: Thank you, Leon.

COMMISSIONER GILLESPIE: Mr. Chair.

CO-CHAIRMAN SCHAFER: Yeah, Commissioner
COMMISSIONER GILLESPIE: I have a question for Commissioner Bratnober.

Commissioner, I'm struggling to recall when we did not require at least a sidewalk.

I know we had a very active discussion several months ago about a parcel where there was 100 feet adjacent and then there was another 100 feet on top of it, and there was irrigation in the way. We had a long, long, discussion, and I think we did end up requiring the sidewalk.

So I'm struggling, and I would like to be reminded of when we have waived the whole shooting match: sidewalk, curb, and gutter.

COMMISSIONER BRATNOBER: I can check that out and find some of those.

I know there was at least one, but it was awhile back.

COMMISSIONER GILLESPIE: Thank you. Mm-hmm.

CO-CHAIRMAN SCHAFFER: Any other questions?

COMMISSIONER BRATNOBER: In my time here, which has not been incredibly long.

COMMISSIONER MOHR: Mr. Chair.

CO-CHAIRMAN SCHAFFER: Commissioner Mohr.

COMMISSIONER MOHR: I'd just like to confirm.
So you would -- signage at the -- each end of the sidewalk would be required blocking, you know, kind of in the middle of the sidewalk, like barrack style or just a sign that would be required?

LEON LETSON: Yeah, Chairman, Commissioner Mohr. I did reach out to Stacey Yarrington, actually, of ACHD and asked her specifically, "Is that something that is required?"

She said, "Yes. We do require that for sidewalks that don't continue." She said the only exception being is if there's a gentle enough grade to the adjacent properties that they could easily just end the sidewalk without it creating, you know, some kind of hazard for pedestrians using that sidewalk there. But she said that is their default move is to put those signs at the end of incomplete sidewalks like this.

COMMISSIONER BLANCHARD: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Blanchard.

COMMISSIONER BLANCHARD: Didn't we -- we just approved one of these a couple months ago on Anna Street up on the Bench.

CO-CHAIRMAN SCHAFER: I believe we did have one on the Bench recently.

I'd caution us, though, to get into
specifics with past applications.

    COMMISSIONER BLANCHARD: Okay.

    LEON LETSON: Chairman, I will note it's always
    at the discretion of the Commission to look at each
    specific site and determine if it's appropriate. I
    mean, certainly consistency and precedent are
    important for any guiding body of the City, but I
    think looking at a site -- case-by-case situation is
    probably a good way to go for this one. So...

    CO-CHAIRMAN SCHAFER: Appreciate the insight
    there, Leon. I do have one other question for you,
    off-topic, and mostly more of a procedural question, I
    think, than anything.

    You know, there's obviously a large silver
    maple that they're going to take down to make room for
    the new house, and I know that they are -- they did
    work with Boise City Forestry to locate, I think, two
    trees on the property to sort of replace that silver
    maple.

    Was there -- is there no requirement for a
    true, like, tree mitigation plan for a project of that
    this nature?

    And that's, again, a little more
    procedural than anything, I think.

    LEON LETSON: Yeah, Chairman. So yes.
Typically, you know, our ordinance does state that caliper-to-caliper exchange rate, if you will. However, there are -- and I'll -- I am happy to review Park's comments a little bit more on this if there are specifics to that regard, but I knew though -- I do know that the tree that they're looking to remove is of a certain type in the city that is often deemed problematic and that, you know, our Parks Department is actively seeking ways to reduce the amount of silver maples that are occurring, since they were all planted 100 years ago and unfortunately seem to fall down on houses a lot in this neighborhood, so...

But I don't think we're getting caliper for caliper here, but I think we're also, you know, getting a new Class 1, a new Class 2, and kind of the removal of a tree that's problematic for the city -- or type of tree anyways.

CO-CHAIRMAN SCHAFER: Thank you, Leon.

LEON LETSON: Yeah.

CO-CHAIRMAN SCHAFER: Any other questions for staff or the Applicant?

COMMISSIONER MOHR: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Mohr.

COMMISSIONER MOHR: I have one more question on the sidewalk for staff.
So one of the points in the project report -- or the staff report was that sidewalks also help delineate parking for that length of roadway. Can you tell us how many parking spaces, based on the driveways and things like that that would need to be avoided, would we be delineating -- I guess setting out with that?

LEON LETSON: Yes, Chairman, Commissioner Mohr. Typically, a parallel space is 22 feet wide -- or long, I guess, if I'm speaking about that dimension appropriately. You know, I'm seeing we have about 95 feet of frontage here if I'm doing my math properly, and it looks like we will have at a minimum two 10- to 12-foot driveways.

So just from that alone, I mean, we can pull that number out and we would still have, you know, roughly one-and-a-half to two spaces in front of the lot to the east, and we'd have room for about one space with the lot to the west in terms of on-street parking if I'm answering your question properly.

COMMISSIONER MOHR: Yes. Thank you.

CO-CHAIRMAN SCHAFER: Okay. Last call. Any other questions for staff or the Applicant?

Okay. Great. Thanks to both staff and the Applicant.
PUBLIC TESTIMONY

CO-CHAIRMAN SCHAFER: We'll go ahead and open up the public hearing portion of the item. We have one person online.

Ms. Ballard, I assume you are waiting to testify on this item. If that's the case, please go ahead and just raise your hand.

COMMISSIONER GILLESPIE: Jeffrey Oliver.

CO-CHAIRMAN SCHAFER: Oh. I'm sorry. Did I have somebody that signed up?

I apologize. I had -- let's just take a quick step back. I have a Jeffrey Oliver down here to testify.

UNIDENTIFIED SPEAKER: Maybe not.

CO-CHAIRMAN SCHAFER: No takers.

Okay. So then I'm going to go ahead and move to Ms. Ballard.

Ms. Ballard, are you here to testify this evening on this item?

ANNIE MOSIER: This is actually Annie Mosier at 2525 North Woody Drive.

Can you hear me?

CO-CHAIRMAN SCHAFER: Yes, we can.

I assume you're here to --

ANNIE MOSIER: Okay. Not really. I mean, we
hadn't heard the specifics of it, so we were just here just to understand what they were doing. We really like what they're doing. This infill project looks really great, so -- fully support it and totally understand the neighbors on any sign issue that they're looking at.

But I do struggle with trying to put sidewalks in after living here 23 years and watching the kids going back and forth to school. I mean, they can easily -- they do walk across the street, too, to use that sidewalk. They also walk on the north side of the street, and there's plenty -- there's a lot of space there for them to walk. So just a comment on that.

That's it.

CO-CHAIRMAN SCHAFER: Okay. Thank you very much.

REBUTTAL

CO-CHAIRMAN SCHAFER: With that, I mean, there's really not much to rebuttal, but I'll go ahead and give the Applicant a chance, a few minutes, to rebuttal if you'd like.

MATT SMITH: Is this on?

SAM SMITH: [Unintelligible] I don't think so.

MATT SMITH: [Unintelligible].
SAM SMITH: Let's just talk -- well, I don't think we really have much else to add.

Thank you for considering both sides. I think, on one hand, we -- you know, we definitely understand the principle of trying to put sidewalks in whenever available because of -- you know, it really is important in making a city friendly to pedestrians and also just aesthetically pleasing.

And yeah, I think that the concern just still stands that because of -- we know, you know, our neighbors to the west and east quite well, and we don't see any, you know, redevelopment happening in the near future. And so I think the signs, you know, visually speaking, are kind of a -- probably our biggest -- yeah, our biggest concern is just that.

MATT SMITH: Sure.

SAM SMITH: But also, you know, we understand why you'd want to put in a sidewalk, as well. And it is better for overall, you know, in the long run. So it's a tough decision.

MATT SMITH: Thanks.

Okay. Are you done?

SAM SMITH: Yep. I'm done.

MATT SMITH: I'm sorry.

SAM SMITH: That's it.
MATT SMITH: I didn't mean to actually stop her.

Okay. All right.

CO-CHAIRMAN SCHAFER: All right. Well, thank you both for that.

MOTIONS

CO-CHAIRMAN SCHAFER: We'll go ahead and return the item back to the Commission for a motion and discussion.

COMMISSIONER BRATNOBER: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Bratnober.

COMMISSIONER BRATNOBER: I move -- oh. Hang on.

I lost it on my screen.

I move we approve PUD20-18 and recommend SUB20-15 for approval to the City Council, based on the terms and conditions in the staff report with the exception of requiring a sidewalk.

COMMISSIONER SQUYRES: Second.

CO-CHAIRMAN SCHAFER: Okay. I have a motion from Commissioner Gillespie and a second --

COMMISSIONER GILLESPIE: Bratnober.

CO-CHAIRMAN SCHAFER: Sorry -- Commissioner Bratnober and a second from Commissioner Squyres for approval.

Any discussion?

COMMISSIONER GILLESPIE: Mr. Chairman.
CO-CHAIRMAN SCHAFER: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So I will be opposing the motion for the simple reason that there's no good reason not to put in a sidewalk.

I would invite the Commissioners to look at the overhead shot, the Google Earth, and you will see between North Arthur and 36th: Burke, Bush, Woody, 38th, Pine, Stacy, Bush, Bellomy. All those houses have been built in the last 100 years, and every -- almost all of them were built without sidewalks because previous Commissions and Councils went through the exact same calculus that we just went through.

So if we don't require sidewalks where we can, they will never be there. This is not a 20-year problem. This is 100-, 150-year problem. You're looking at this neighborhood. There's no good reason not to put in this sidewalk. It doesn't -- it's not unusually expensive; it's not hard to put in; we've heard testimony that if they put a little bit of gravel curbing or smoothing at the edges, they don't even need to have a sign from AC HD; and, frankly, if it doesn't connect to anything for 20 years, I'm fine with that.

The things we do now last 100 years. Look
at this slide. Look at this page of the development where there's sidewalks and where there's not.

So I just think it's undisputed by the City, this Commission, and the Council that sidewalks are an unambiguously good thing, so I'm never going to support not putting them in on flat, dry ground where they fit for a couple thousand bucks. That just makes no sense to me in the long run for our city. So that's where I'm at.

COMMISSIONER FINFROCK: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Finfrock.

COMMISSIONER FINFROCK: Yeah.

I'm not going to be supporting the motion, as well. I think the bigger picture here is the goal of the pedestrian connectivity. As development continues and the parcels are updated, I think eventually we'll see a continuous pattern of improvement to the pedestrian connectivity regardless of whether it's redevelopment or ACHD projects. But I'm with Commissioner Gillespie on this.

CO-CHAIRMAN SCHAFER: Thank you, Commissioner Finfrock.

Any other discussion comments?

COMMISSIONER BLANCHARD: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Blanchard.
COMMISSIONER BLANCHARD: I will be supporting the motion. I don't see anything to be gained by putting in 90 feet of sidewalk in a neighborhood that has sidewalks across the street.

You know, I live here on the Bench, and it's exactly the same way on my side of the street. There's absolutely no curb and gutter and sidewalk on one side, the other side's all improved. I just -- there's nothing to be gained here by making this homeowner spend that money.

So I -- and I think it's a -- this is exactly the kind of infill project that we're looking for in these kind of neighborhoods, and so I'm supportive of it.

CO-CHAIRMAN SCHAFER: Thank you for that.

Any other comments or discussion?

Okay. I'm going to go ahead and sound off real quick on this, too.

I'm definitely in support of the project. I see no issues with the split or the additional house. It looks like, to me, that the land where the new house is going to be going is quite underutilized, so I think it's a good infill opportunity.

Obviously, you know, the sidewalk is a big item in question. And I'm actually -- I'm going to
side with Commissioner Gillespie on this one, as well, if only for the fact that -- for consistency and precedent that we continue to include sidewalks in our requirements. I just think it's a slippery slope that we start to really deviate from consistent direction for all future applications.

So with that, I think I'm actually opposed to the motion, as well. But, again, I just want to be very clear, that I am supportive of the project as a whole.

So unless there is any other comments or discussion from the Commission, we'll go ahead and call the vote.

COMMISSIONER MOHR: Commissioner -- or Mr. Chair.

CO-CHAIRMAN SCHAFER: Mm-hmm.

COMMISSIONER MOHR: I totally agree, especially knowing, you know, the concerns with the sign. If we can actually grade it to the point where it can be used in conjunction with the gravel frontage, I think that, you know, a lot of the signage issues are remediated in that respect. And I totally agree. And -- but otherwise absolutely support the project as a whole. It's a great infill development. But I think, you know, if you can remediate the sign issue,
then it makes sense.

    CO-CHAIRMAN SCHAFER: Okay. Thank you.

    Commissioner Bratnober.

    COMMISSIONER BRATNOBER: Mr. Chair, yes. So just a -- some procedural stuff.

    Well, first of all, there is some precedent: SOS 20-3 was one case where we did something similar back in May.

    But I want to caution -- you know, I made my motion with respect to -- you know, and added the rejection of the recommendation. One of the things I just want to say here is if for whatever reason that motion is voted down -- question: Do we then have to remove -- have another motion to approve the project?

    In other words, I think every -- it sounds like everybody here wants to see this development go forward. We're just at odds about the sidewalk. And so I want to make sure from a procedural perspective we're not throwing the baby out with the bath water here.

    CO-CHAIRMAN SCHAFER: Well, probably the cleanest thing we can do is to go ahead and make the -- to take the vote, see if we have a pass or fail, and then if it fails, I think we can reevaluate.

    COMMISSIONER BRATNOBER: Okay. All right.
Thanks.

CO-CHAIRMAN SCHAFER: Staff.

Okay. So unless there's any other comment, we'll go ahead and call the vote right now, and we'll see where things lie.

THE CLERK: Schafer.

CO-CHAIRMAN SCHAFER: No.

THE CLERK: Squyres.

COMMISSIONER SQUYRES: Yes.

THE CLERK: Blanchard.

COMMISSIONER BLANCHARD: Yes.

THE CLERK: Mohr.

COMMISSIONER MOHR: Nay.

THE CLERK: Gillespie.

COMMISSIONER GILLESPIE: No.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: Nay.

THE CLERK: Bratnober.

COMMISSIONER BRATNOBER: Aye.

THE CLERK: Three -- three in favor. Four opposed. Motion fails.

COMMISSIONER GILLESPIE: Mr. Chairman.

CO-CHAIRMAN SCHAFER: Commissioner Gillespie.

COMMISSIONER GILLESPIE: I move we approve PUD20-18 and recommend approval to City Council of
SUB20-15 with all the terms and conditions in the staff report.

COMMISSIONER FINFROCK: Second.

CO-CHAIRMAN SCHAFER: I have a motion to approve and a second, motion by Commissioner Gillespie, second by Commissioner Finfrock.

Any additional conversation or discussion?

ROLL CALL

CO-CHAIRMAN SCHAFER: Okay. Will the clerk please call the role.

THE CLERK: Schafer.

CO-CHAIRMAN SCHAFER: Aye.

THE CLERK: Squyres.

COMMISSIONER SQUYRES: Aye.

THE CLERK: Blanchard.

COMMISSIONER BLANCHARD: Aye.

THE CLERK: Mohr.

COMMISSIONER MOHR: Aye.

THE CLERK: Gillespie.

COMMISSIONER GILLESPIE: Aye.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: Aye.

THE CLERK: Bratnober.

COMMISSIONER BRATNOBER: Aye.

THE CLERK: All in favor. Motion carries.
(End transcription at 2:00:00 of audio file.)

-oo0o-
Summary
The applicant requests a conditional use permit for a planned residential development comprised of 2 single-family homes on 0.31 acres located at 3622 W Sunset Avenue in an R-1C (Single-Family Residential) zone. Also included are preliminary and final plats for a residential subdivision comprised of 2 buildable lots.

Prepared By
Ethan Mansfield, Associate Planner

Recommendation
Approval with conditions

Reason for the Decision
Planned Unit Development
The project complies with Boise City Code Section 11-03-04.7 (Planned Unit Development). The project is compatible with the surrounding single-family neighborhood. Correspondence received from commenting agencies confirm that the use will not place an undue burden on the transportation system or other services in the vicinity. The site is large enough to accommodate the proposed use and the project will not adversely affect other property in the vicinity, as the single-family homes will comply with the height requirements and setbacks of the R-1C zone. It is also in compliance with the Comprehensive Plan. The addition of a new single-family complements and reflects the character of the neighborhood (Goal NAC3.1, Goal NAC3.2, Goal NE-CCN 1.3, Goal NE-CCN 1.4). Infill development is supported by Goal CC1.1 which encourages infill development in order to reduce vehicle miles traveled and avoid costly extensions of transportation infrastructure.

Subdivision
As further detailed in the project report, the applicant’s proposal complies with Boise City Code Section 11-03-04.4 (Subdivisions Plat). A waiver to the requirement to install curb and gutter reflects ACHD’s comments that drainage of the site would be negatively impacted due to lack of drainage facilities if curb and gutter were installed in this location. As conditioned, the submitted preliminary and final plat are consistent with the Development Code and the Comprehensive Plan.

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online.
Packet Pg. 534

Attachment: CC_Project_Memo_August_25, 2020_SUB20-00015 (Shire Subdivision)
Project name: 3622 W Sunset Ave
Applicant: Matt Smith

Letter of Intent

To Whom it may concern:

It is our pleasure to submit this letter of intent to pursue land use and related approvals for the development of the 0.138-acre (6,005 square feet) property in the City of Boise at 3622 W. Sunset Avenue, currently owned by Matt Smith.

Project Summary

The project will include dividing the existing lot (0.304 acres) into two separate lots in order to build a single-family home next door to the existing single-family home as outlined in the attached site design. Currently there is one existing residential single-family home and a detached single car garage. The plan is to remove the existing garage and build 1 two-story single-family home and 1 detached single-story 2-car garage behind the proposed house. We are respectfully requesting the curb, gutter and sidewalk requirement of the Subdivision Ordinance to be waived with detailed documentation explaining the reasons for this request in a separate letter. We are not proposing private or public streets.

Our contractor is a well-regarded local company, Strite Design + Remodel. Our neighbors expressed approval and excitement for the proposal at the neighborhood meeting held on 1/21/20. The proposed single-family home is 2,063 total square feet. The first-floor footprint is 1,056 square feet and the second floor is 1,007 square feet. The detached garage will sit 34 feet behind the house and is a 2-car garage with a square footage of 484. The project will also include a paved driveway running along the right side of the house leading to the garage. We are dedicating approximately 1,553 square feet of the property to landscaping. The project complies with the city requirements pertaining to building height, location, orientation, setbacks, driveway, parking and landscaping. The project is designed to harmonize with the surrounding neighborhood and transform an empty space into a beautiful cottage which will allow the owners to stay in a neighborhood they love while having the benefit of living in a space that accommodates a growing family.

In closing, we look forward to working with Boise City throughout the approval process and greatly appreciate the guidance we have received thus far.

Thank you very much.

Sincerely,

Matt Smith
Project name: 3622 W Sunset Ave  
Applicants: Matt and Samantha Smith

We respectfully request the curb, gutter and sidewalk section of the Subdivision Ordinance to be waived for the below reasons:

1. Sunset is a mature, established neighborhood that does not have sidewalks apart from one existing sidewalk that connects to Taft Elementary School.
2. There are currently no sidewalks on the adjoining properties.
3. Constructing a sidewalk in front of 3622 W Sunset would result in an elevated island rather than an extension of existing networks, causing safety concerns in an area of high pedestrian traffic where children ride their bicycles daily.
4. The project was discussed with ACHD which indicated that a sidewalk in the area is not in the 10-year development plan for West Sunset.
5. A single-family home was recently built at 2525 Woody Drive; a sidewalk, curb and gutter were not required. Our proposed single-family home at 3622 W Sunset is smaller than the aforementioned home.
6. If deemed appropriate, the required improvement can be obtained with further or intensified development in the future.

Thank you for your time and consideration.

Kind Regards,
Matt & Samantha Smith
Site Plan
Scale: 3/32" = 1'-0"
Landscape Design

1. Turf
2. Gravel
3. Dwarf Rubber Rabbitbrush
4. Fringed Sage
5. Karl Foster
6. Idaho Red Combine
7. Gallardia Aristata
8. Lavender
9. CO Blue Combine
10. Acer Tructatum
11. Maple, Amur

Please Note:
6' Wood Fence will be installed around the parameters of the property
2nd Floor Plan

Scale: 1/4" = 1'-0"
Certificate of Owners

NOW ALL MEN OF THOSE PRESENT, that the undersigned does hereby certify that he is the owner of a certain tract of land to be known as SHIRE SUBDIVISION, and that he intends to include the following described and in this plat:

A metes and bounds description of a parcel located in the East 30th Lot of Lot 34 of Muirhead Subdivision as shown in Book 6 of Plat, at Page 2443, in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 30, Township 4 North, Range 2 East, Boise City, Ada County, Idaho, being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 32 which bears S09°24'55"E, 2880.06 feet from the Northeast Corner of said Section 32; thence N09°38'34"W, 833.63 feet along the center line of N 40th Street, thence N68°23'31"E, 176.30 feet along the north side of West Sullivant Avenue; thence N00°03'43"E, 20.98 feet to the NE corner of said Lot 34 and the West Plat.

Then thence N90°47'24"W, 14.87 feet along the South boundary of said Lot 34; thence N07°17'39"E, 140.02 feet to the North boundary of said Lot 34; thence S88°37'49"W, 14.81 feet to the NE corner of said lot; thence S09°70'52"E, 140.01 feet along the western boundary said Lot 34 to the West Plat Point.

Comprising 13,236 square feet, more or less.

The easements shown on this plat are not donated to the public, but the right to use said easements is hereby reserved for the use specifically depicted on the plat, and for any other purposes designated herein, and no permanent structures shall be erected within the lines of said easements. The lots within this subdivision are eligible to receive water service from Suez Water, Idaho and Suez Water, Idaho has agreed to selling all of the lots within this subdivision.

IN WITNESS WHEREOF: We have hereunto set our hands.

MOTHER GENE SMITH
PROPERTY OWNER

Acknowledgment

State of Idaho

County of Ada

On this ___ day of ________, in the year of 2020, before me the undersigned personally appeared, the individual knows or is identified to me to be the person whose name is subscribed hereto, and acknowledged to me that he executed the same.

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

Notary Public for Idaho

Clerk of the Commission

My Commission Expires

Certificate of Surveyor

l. Carl L. Bixler, 0034.06, hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this plat of SHIRE SUBDIVISION, as described in the Certificate of Owners and as shown on the attached plat, was drawn on an actual survey made on the ground under my supervision, and according to the survey, represented the parcels described herein, and is in conformance with the State of Idaho Code relating to plats and surveys.

B Lois Clerk

Certificate of County Surveyor

l. the undersigned, Professional Land Surveyor for Ada County, Idaho, hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to plats and surveys.

County Surveyor

Certificate of County Treasurer

l. the undersigned, County Treasurer for Ada County, State of Idaho, hereby certify that any and all current and/or delinquent county property taxes for the property included in this proposed subdivision have been paid in full. This certificate is valid for the next thirty (30) days only.

Ada County Treasurer

Certificate of County Recorder

l. the undersigned, County Recorder for Ada County, State of Idaho, hereby certify that this instrument was filed at the request of ______

of ______, in _____, and this ___ day of ________, in my office, and was recorded in _____ Book _____ of Plats through page ______.

To-Official Recorder: Phil McGree
Deputy:

Approval of City Engineer

l. the undersigned, City Engineer, in and for the City of Boise, Ada County, Idaho, do hereby approve this plat.

Boise City Engineer

Approval of Ada County Highway District

The foregoing plat was accepted and approved by the Board of Ada County Highway District Commissioners on the ___ day of ________

Commission President

Ada County Highway District

Approval of City Council

l. the undersigned, City Clerk in and for the City of Boise, Ada County, Idaho, do hereby certify that a regular meeting of the City Council was held on the ___ day of ________, this plat was duly accepted and approved.

Boise City Clerk

Approval of Central District Health Department

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied according to the letter to be used on file with the County Recorder or his agent listing the conditions of approval. Sanitary restrictions may be re-imposed, in accordance with Section 50-1226, Idaho Code, by the issuance of a certificate of disapproval.

Central District Health Department, CVS

B&A Engineers, Inc.
Consulting Engineers, Surveyors & Planners
5209 W. Franklin Rd. Boise, ID 83705
(208) 343-3981
Property Information

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Primary Contact

Who is responsible for receiving e-mail, uploading files and communicating with Boise City?

- [ ] Agent/Representative
- [ ] Applicant
- [ ] Owner

Applicant Information

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<td><a href="mailto:matt@hmi.mfg.com">matt@hmi.mfg.com</a></td>
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Owner Information

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Packet Pg. 550
Project Information

Is this a Modification application?  ○Yes  ○No  File number being modified:  

1. Neighborhood Meeting Held (Date):
   1/21/20

2. Neighborhood Association:
   Veterans Park

3. Comprehensive Planning Area:
   North/East Ends

4. This application is a request to construct, add or change the use of the property as follows:
   Construct a single family home

5. Size of Property:
   6005  ○Acres  ○Square Feet

6. Water Issues:
   A. What are your fire flow requirements? (See International Fire Code):
      2000 gpm
   B. Number of hydrants (show location on site plan):
      Note: Any new hydrants/hydrant piping require Suez Water approval.
      Number of Existing:  1  Number of Proposed:  0
   C. Is the building "sprinklered"?  ○Yes  ○No
   D. What volume of water is available? (Contact SUEZ (208) 362-7354):
      2000 gpm

7. Existing uses and structures on the property are as follows:
   Garage

8. Are there any hazards on the property?
   (Such as canals, hazardous material spills, soil or water contamination.) If so, describe them and give their locations:
   No

9. Adjacent property information:
   
<table>
<thead>
<tr>
<th>Building types and/or uses</th>
<th>Number of Stories</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: Single family home</td>
<td>2</td>
<td>(R-1C) Single Family Resider</td>
</tr>
<tr>
<td>South: Single family home</td>
<td>2</td>
<td>(R-1C) Single Family Resider</td>
</tr>
<tr>
<td>East:  Single family home</td>
<td>1</td>
<td>(R-1C) Single Family Resider</td>
</tr>
<tr>
<td>West:   Single family home</td>
<td>1</td>
<td>(R-1C) Single Family Resider</td>
</tr>
</tbody>
</table>
**10. Non-Residential Structures:**

**A. Number of Proposed non-residential structures:**

<table>
<thead>
<tr>
<th></th>
<th>Gross Square Feet</th>
<th>Net Leasable Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Floor</td>
<td>484</td>
<td>0</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4th Floor</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**B. Maximum Proposed Height:**

**14**

**C. Number of stories:**

**1**

**D. Number of EXISTING non-residential structures to remain:**

**0**

**Square footage of existing non-residential structures or additions (if 5+ floors, attach narrative with chart):**

<table>
<thead>
<tr>
<th></th>
<th>Gross Square Feet</th>
<th>Net Leasable Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Floor</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4th Floor</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**E. Existing Structure Height(s):**

**0**

**F. Number of Stories:**

**0**

**11. Residential Structures:**

**A. Number of Proposed residential units (if applicable):**

<table>
<thead>
<tr>
<th></th>
<th>Number of Units</th>
<th>Square Foot per Unit</th>
<th>Total Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Bedroom</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Three-Bedroom</td>
<td>1</td>
<td>2063</td>
<td>2063</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Number</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**B. Size of Proposed residential structures (if applicable):**

**C. Number of Existing units to remain:**

**0**

**D. Maximum Proposed Structure Height(s):**

**35**

**E. Number of Stories:**

**2**
12. Site Design:

A. Percentage of site devoted to building coverage: 34

B. Percentage of site devoted to landscaping: 40

C. Percentage of site devoted to paving: 26

D. Percentage of site devoted to other uses:

E. Describe other use:

13. Loading Facilities, if proposed (For Commercial uses only):

<table>
<thead>
<tr>
<th>Number</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>Screening</td>
</tr>
</tbody>
</table>

14. Parking:

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
</table>

A. Handicapped Spaces:
B. Parking Spaces: 2
C. Bicycle Spaces:
D. Proposed Compact Spaces:

E. Restricted (assigned, garage, reserved spaces) parking spaces proposed:

F. Are you proposing off-site parking?  
   - Yes  
   - No  
   If yes, how many spaces?

G. Are you requesting shared parking or a parking reduction?
   - Yes  
   - No  
   If yes, how many spaces?

**Note:** If you are requesting shared parking or a parking reduction, you must submit a survey of persons using and working on the premises and any additional information demonstrating that use by the regular employees and visitors to the premises will require fewer off-street parking spaces than required by the Zoning Ordinance.

15. Setbacks (Plans that are not graphically dimensioned will not be accepted.)

<table>
<thead>
<tr>
<th>Building</th>
<th>Required</th>
<th>Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front:</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Rear:</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Side 1:</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Side 2:</td>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>

16. Waivers Requested:

A. Lot size:  
   - Yes  
   - No  
   Description:

B. Internal Setbacks:  
   - Yes  
   - No  
   Description:

C. Frontage:  
   - Yes  
   - No  
   Description:
18. Amenities:

   Number: 0

   Description:

19. Density:

   Allowed Density: 8 units per acre
   Proposed Density: 1 unit per 0.13 acre

20. Building Exterior:

<table>
<thead>
<tr>
<th>Materials</th>
<th>Colors</th>
</tr>
</thead>
<tbody>
<tr>
<td>asphalt shingles</td>
<td>black</td>
</tr>
<tr>
<td>vinyl</td>
<td>red</td>
</tr>
<tr>
<td>vinyl / wood</td>
<td>black / brown</td>
</tr>
<tr>
<td>fiber cement</td>
<td>white</td>
</tr>
</tbody>
</table>


22. Floodways & Hillsides:

   A. Is any portion of this property located in a Floodway or a 100-year Floodplain?  
      Yes  No

   B. Does any portion of this parcel have slopes in excess of 15%?  
      Yes  No

   **Note:** If the answer to either of the above is yes, you will be required to submit an additional Floodplain and/or Hillside application and additional fee. You must submit the additional required application(s) for review at the same time as this request.

23. Airport Influence Area:

   Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)

   No  Area A  Area B  Area B1  Area C
A. PUBLIC Street Layout Review

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) will be generally required by the Ada County Highway District, if the proposed development contains no more than 100 dwelling units (includes hotels and motels as well as private dwelling units), more than 30,000 square feet of commercial use, or more than 50,000 square feet of industrial or institutional use, or has associated it with special circumstances deemed by ACHD to warrant an impact study. A copy of this study must be submitted with this application.

Is a Traffic Impact Study required?
☐ Yes  ☐ No

B. PRIVATE Street Layout Review

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) prepared by a traffic engineer will be required by Public Works and Planning & Development Services for the interior roadway and parking system. This requirement may be waived when it can be shown by the applicant that no section of on-site roadway will exceed 240 vehicle trips per day.

Is a Traffic Impact Study required?
☐ Yes  ☐ No

Are you proposing public street connection to adjacent properties?
☐ Yes  ☐ No

25. Solid Waste:

A. Type of trash receptacles:
☐ Individual Can/Residential  ☐ 3 Yd Dumpster  ☐ 6 Yd Dumpster  ☐ 8 Yd Dumpster  ☐ Compactor

B. Number of trash receptacles:

3

C. Proposed screening method:

D. Is the proposed location accessible for collection? (Contact Boise Public Works at 384-3901.)
☐ Yes  ☐ No

E. Is recycling proposed?
☐ Yes  ☐ No

Verification of Legal Lot or Parcel Status

Acceptance of this application does not validate the legal status of any lot or parcel. Prior to submitting for a Building Permit you must have a Verification of Legal Parcel Status form signed by the Boise City Subdivision Department. It is the applicant's responsibility to provide deeds and/or other documentation to the Subdivision Department. See Verification of Legal Lot or Parcel Worksheet for submittal requirements.

The undersigned declares that the above provided information is true and accurate. The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature: ________________________________

Date: ________________________________
Property Information

Address
Street Number: 3622
Prefix: W
Street Name: SUNSET AVE
Subdivision name: WOODY SUB
Block: 0
Lot: 34
Section: 32
Township: 4
Range: 2
Zoning: R-1C
Parcel Number: R9539500200
Additional Parcel Numbers:

Primary Contact
Who is responsible for receiving e-mail, uploading files and communicating with Boise City?
○Agent/Representative ○Applicant ○Owner

Applicant Information
First Name: Matt
Last Name: Smith
Company:
Address: 3622 W Sunset
City: Boise
State: ID
Zip: 83703
E-mail: matt@hmi-mfg.com
Phone Number: (208) 490-7905
Cell: (208) 490-7905

Agent/Representative Information
Role Type: ○Architect ○Land Developer ○Engineer ○Contractor ○Other
First Name: Matt
Last Name: Mundy
Company: Strite Design + Remodel
Address: 2650 Grover Court
City: Boise
State: ID
Zip: 83705
E-mail: remodel@stritedr.com
Phone Number: (208) 336-9176
Cell: 
Fax: 

Owner Information
Same as Applicant? ○No ○Yes (If yes, leave this section blank)
First Name:
Last Name:
Company:
Address:
City:
State:
Zip:
E-mail:
Phone Number:
Cell:
Fax:

Packet Pg. 556
2. Proposed Subdivision/Condominium Name:
   Shire subdivision
   **Note:** Must be approved by the Ada County Surveyor.

3. Cross Reference Files:
   Please list all previously approved or currently associated file(s):
   Preliminary application

4. Subdivision/Condominium Features:
   - Number of buildable lots/units: 1
   - Buildable lots/units per acre: 1
   - Number of common lots/units: 2
   - Zoning Classification: Residential
   - Total acres in subdivision: 0.304

5. Building Program:
   - Number of Existing Buildings: 2
   - Number of Existing Buildings to Remain: 1
   - Type of Existing Buildings: Residential, Commercial, Industrial, Mixed Use
     - If Residential What Type? Single Family, Townhouse, Duplex, Multi-Family
   - Type of Proposed Buildings: Residential, Commercial, Industrial, Mixed Use
     - If Residential What Type? Single Family, Townhouse, Duplex, Multi-Family

6. Waivers or Modifications:
   Are any waivers/modifications being requested from the Subdivision Ordinance? **Yes** **No**
   If yes, please include a detailed explanation in your letter.
   An additional waiver/modification review fee must be paid at the time of submittal.

7. Private Streets:
   Are private streets proposed? **Yes** **No**
   If yes, please provide justification in the letter of explanation.
   An additional private street review fee must be paid at the time of submittal.
8. Public Streets:
Number of new public streets proposed: 0

9. Floodways & Hillsides:
Is any portion of this property located in a Floodway or a 100-year Floodplain? 
Yes  No
Does any portion of this parcel have slopes in excess of 15%? 
Yes  No

Note: If the answer to either of the above is yes, you will be required to submit an additional # 112 Floodplain and/or # 114 Hillside application and additional fee.

11. Airport Influence Area:
Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)
No  Area A  Area B  Area B1  Area C

The undersigned declares that the above provided information is true and accurate.
The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature: ________________________________
Date: ________________________________
# Planning Division Project Report

**File Number**  
PUD20-00018 & SUB20-00015

**Applicant**  
Matt Smith

**Property Address**  
3622 W Sunset Ave

**Public Hearing Date**  
July 13, 2020

**Heard by**  
Planning and Zoning Commission

**Analyst**  
Ethan Mansfield, Associate Planner

**Reviewed By**  
Céline Acord, Current Planning Manager

---

**Public Notification**

- Neighborhood meeting conducted: January 21, 2020
- Radius notices mailed: June 26, 2020
- Newspaper notification published: June 26, 2020
- Applicant posted notice: June 28, 2020

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9. Recommended Conditions of Approval ........................................ 8

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**Exhibits**

- Agency Comments
1. Project Data and Facts

<table>
<thead>
<tr>
<th>Project Data</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property Owner/Applicant</strong></td>
<td>Matt Smith</td>
</tr>
<tr>
<td><strong>Location of Property</strong></td>
<td>3622 W Sunset Ave</td>
</tr>
<tr>
<td><strong>Size of Property</strong></td>
<td>0.31 acres</td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
<td>R-1C (Single-Family Residential)</td>
</tr>
<tr>
<td><strong>Land Use Designation</strong></td>
<td>Suburban</td>
</tr>
<tr>
<td><strong>Planning Area</strong></td>
<td>North/East Ends</td>
</tr>
<tr>
<td><strong>Neighborhood Assoc./Contact</strong></td>
<td>Veterans Park / Matt Ciranni</td>
</tr>
<tr>
<td><strong>Procedure</strong></td>
<td>The Planning and Zoning Commission renders a final decision on the conditional use permit and makes a recommendation to the City Council on the subdivision.</td>
</tr>
</tbody>
</table>

Current Land Use

One single-family home

Description of Applicant’s Request

The applicant requests a conditional use permit for a planned residential development comprised of one new and one existing single-family home. Also included is a Preliminary and Final Plat for a residential subdivision comprised of 2 buildable lots.

2. Land Use

Description and Character of Surrounding Area

The area surrounding the subject parcel is composed primarily of single-family homes of varying ages and architectural styles on one-eighth to one-third acre lots. Streets without curb, gutter, and sidewalk lined by mature landscaping characterize the neighborhood. William Howard Taft Elementary School is located less than 500 feet to the southwest. The intersection of State Street and Veterans Memorial Parkway is less than one-quarter mile to the south.

Adjacent Land Uses and Zoning

| North | Single-family homes / R-1C |
| South | Single-family homes / R-1C |
| East  | A single-family home / R-1C |
| West  | A single-family home / R-1C |

History of Previous Actions

None
3. Project Proposal

Structure(s) Design

<table>
<thead>
<tr>
<th>Number and Proposed Use of Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 detached single-family homes and one detached garage</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Stories / Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>One and two-story / 29.5’ to highest roof peak</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fencing</th>
</tr>
</thead>
<tbody>
<tr>
<td>An existing 6’ tall fence will be retained along the eastern property line. The applicant proposes a 6’ tall wooden fence to enclose the rear yard of the western lot.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PUD Required Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 100 square feet of open space is provided for each dwelling unit.</td>
</tr>
</tbody>
</table>

### Dimensional Standards

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Proposed</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>&gt;6,000 SF</td>
<td>5,000 SF</td>
</tr>
<tr>
<td>Lot Width</td>
<td>43’*</td>
<td>50’</td>
</tr>
<tr>
<td>Street Frontage</td>
<td>43’</td>
<td>30’</td>
</tr>
<tr>
<td>Density</td>
<td>6.5 units/acre</td>
<td>8 units/acre</td>
</tr>
</tbody>
</table>

*Lot width reduction requested via PUD.

### Setbacks

Both perimeter and interior setbacks will be met or exceeded. No interior setback reductions are sought.

### Parking

Two off-street parking spaces will be provided for each single-family home. The proposed home will have a detached two-car garage located behind the dwelling unit and the existing home will be provided with a parking pad behind the structure. Access will be taken by two individual driveways.

4. Development Code ([Boise City Code Title 11](#))

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-03-04.4</td>
<td>Subdivision Plat Specific Procedures</td>
</tr>
<tr>
<td>11-03-04.7</td>
<td>Planned Unit Development Specific Procedures</td>
</tr>
<tr>
<td>11-04-03</td>
<td>General Purpose of Residential Districts</td>
</tr>
<tr>
<td>11-07-03</td>
<td>Off-Street Parking &amp; Loading Standards</td>
</tr>
<tr>
<td>11-07-06.5</td>
<td>Planned Unit Development Standards</td>
</tr>
<tr>
<td>11-09-03</td>
<td>Subdivision Design Standards</td>
</tr>
</tbody>
</table>
5. Comprehensive Plan (Blueprint Boise)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Goals, Objectives &amp; Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 2: City Wide Visions and Policies</td>
<td>Goal NAC3.1: Infill Design Principles</td>
</tr>
<tr>
<td></td>
<td>Goal NAC3.2: Areas of Change and Stability</td>
</tr>
<tr>
<td></td>
<td>Goal NAC7.1: Mix of Housing</td>
</tr>
<tr>
<td></td>
<td>Goal NAC12: High-quality, Pedestrian-oriented Design</td>
</tr>
<tr>
<td></td>
<td>Goal CC1.1 Reduce Vehicle Miles Traveled</td>
</tr>
<tr>
<td></td>
<td>Goal CC2.1: Connectivity</td>
</tr>
<tr>
<td></td>
<td>Goal CC7.2: Design for Pedestrian Comfort</td>
</tr>
<tr>
<td>Chapter 3: Community Structure and Design</td>
<td>Principle GDP-N.7: Garage Placement</td>
</tr>
<tr>
<td></td>
<td>Principle IDP-N.3: Garage Placement and Design</td>
</tr>
<tr>
<td></td>
<td>Principle IDP-N.2: Streetscape Character</td>
</tr>
<tr>
<td>Chapter 4: North/East Ends Planning Area</td>
<td>Goal NE-CCN 1.3: Infill Housing</td>
</tr>
<tr>
<td></td>
<td>Goal NE-CCN 1.4: Neighborhood Character</td>
</tr>
</tbody>
</table>

6. Transportation Data

The Ada County Highway District (ACHD) has approved the proposed subdivision with no required improvements or specific conditions. The development is estimated to generate 9 additional vehicle trips per day (9 existing) and 1 additional vehicle trip per hour in the PM peak hour. This is based on the *Institute of Transportation Engineers Trip Generation Manual, 10th edition*. The subject parcel has 95 feet of frontage along Sunset Avenue. Sunset Avenue is classified as a Local Street and there are no current traffic counts.

7. Analysis

The applicant requests a conditional use permit for a planned residential development comprised of two single-family homes on 0.31 acres located at 3622 W Sunset Avenue in an R-1C (Single-Family Residential) zone. Also included is a preliminary and final plat for a residential subdivision comprised of two buildable lots. The area surrounding the site is comprised primarily of single-family homes on one-eighth to one-third acre lots. William Howard Taft Elementary School is located less than 500 feet to the southwest. The intersection of State Street and Veterans Memorial Parkway is less than one-quarter mile to the south. The site is located within an area anticipated to experience infill and/or redevelopment (*Policy NAC3.2*).
**Planned Unit Development**

The applicant proposes to retain the existing home on the eastern lot and construct one new single-family home on the western lot. The applicant proposes a 2,063 square-foot, two-story, craftsman-style home that complements the diversity of architectural styles in the neighborhood. While most of the homes in the surrounding neighborhood are one to one-and-a-half stories, two two-story homes exist immediately behind the subject parcel. At 29.5’, the height of the proposed structure is less than the maximum height allowed by the Development Code. Through the Planned Unit Development process, the applicant requests a reduced lot width of ~43 feet for the western lot and 52 feet for the eastern lot with the existing home. The proposed lot widths allow sufficient space for drive-aisle requirements; all perimeter setbacks are met and no interior setback reductions are proposed.

The new home will be served by a detached two-car garage located behind the structure and accessed by a 9’ drive (Principle GDP-N.7 & Principle IDP-N.3). Another driveway will be created to access a new parking pad that will serve the existing home. While accessing multiple homes via one shared driveway is generally preferred by the Planning Team, the applicant proposes two separate drives in order to retain an existing mature catalpa tree. The Planning Team is supportive of this proposal, as the catalpa provides shade to the home and myriad ecosystem benefits to the community and the proposed driveways exit onto a local roadway, minimizing safety concerns.

The applicant proposes to remove an existing mature silver maple tree and replace it with an Amur Maple (Class I tree) in the rear yard and a Truncatum Maple (Class II) to shade the home and street in the front yard (Principle IDP-N.2). Power lines run along the rear property boundary, necessitating a Class I tree there. The applicant worked with the Community Forestry unit at the City of Boise to identify trees well-suited to the project.
**Subdivision and Connectivity**

Curb, gutter, and sidewalk do not exist along the 95’ length of Sunset Avenue that abuts the site. The applicant is requesting a waiver to the subdivision ordinance requirement to install curb, gutter, and sidewalk along this section of roadway. Comments received from ACHD indicate that, due to lack of adjacent right-of-way improvements, drainage of the site would be negatively impacted if curb and gutter were installed in this location.

The installation of sidewalk is a separate consideration. Sidewalk exists immediately across the street from the proposed development, providing pedestrian connectivity along the south side of Sunset Avenue. Sidewalk is encouraged along the north side of Sunset Avenue to achieve the goal of pedestrian connectivity outlined in Blueprint Boise (Goals CC2.1 and NAC12). Sidewalks also delineate the boundary of on-street parking, which is important in this neighborhood, as sidewalks are relatively scarce and street parking is undefined. Therefore, the Planning Team supports the construction of sidewalks with this development.

While the Planning Team recommends requiring the construction of sidewalk, it is worth considering the argument for waiving the requirement in this particular location. ACHD’s Five-year Integrated Work Plan indicates no plans for sidewalk along the north side of Sunset Avenue, which means that any sidewalk connectivity would be provided with future development, rather than an ACHD project. Properties adjacent to the site are not improved with curb, gutter, or sidewalk and are standard single-family lots with well-maintained, relatively valuable midcentury homes. Unlike the subject parcel, infill development or redevelopment of the surrounding parcels are extremely unlikely. Because they are standard-size lots, unless these parcels were further split through a PUD/Subdivision process, sidewalk would not be required even if a new single-family home replaced the existing dwelling. A waiver of the requirement to install sidewalks would reinforce the predictability of pedestrian travel along the street by maintaining a consistent streetscape design (Goal CC7.2), which also reinforces the existing streetscape character (Principle IDP-N.2). Finally, if the streetscape was slated for improvement by ACHD in the future, new sidewalk installed now absent curb and gutter, may be torn out and replaced to reflect the typology desired by ACHD at that time.

With these considerations in mind, the Planning Team recommends that the requirements to construct curb and gutter be waived and the requirement to construct sidewalk be maintained.

**Summary**

With the recommended conditions of approval, the proposed development will be compatible with the surrounding neighborhood and the addition of a single-family dwelling will allow another family to have a home in the most livable city in the county (Goal NAC7.1). As such, the Planning Team recommends approval of the conditional use permit and the subdivision.
8. Approval Criteria

Planned Unit Development (11-03-04.07(C7))

i. **The location is compatible to other uses in the general neighborhood:**

The project is compatible with the surrounding neighborhood. The subject property is surrounded by a mature neighborhood of single-family homes with a similar density and setbacks. At 6.5 units per acre, the proposal is less dense than the R-1C zone allows (8 units per acre) and all perimeter and interior setbacks are met. The addition of another single-family home reflects the character of the neighborhood.

ii. **The proposed use will not place an undue burden on transportation and other public facilities in the vicinity:**

Comments received from public agencies confirm the proposed use will not place an undue burden on the transportation system or other services in the vicinity. ACHD has approved the project with no additional conditions. The Boise City Public Works Department provided standard comments which have been added as recommended conditions of approval.

iii. **The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls, fences, parking, loading, landscaping, and such other features as are required by this Code:**

The site is large enough to accommodate the proposed use. Perimeter setbacks are met and are similar to those of neighboring properties. Each home is provided with private rear yards. Existing 6’ solid fencing will remain between this development and the development to the east. New, 6’ wood fencing is proposed internal to and along the west boundary of the site. The required parking of two spaces per dwelling is provided on site via detached garages behind each of the single-family homes.

iv. **The proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity:**

The construction of a single-family home will not adversely affect other property in the vicinity, as the homes will comply with the height requirements and setbacks of the R-1C zone. No interior setback reductions are proposed. Solid 6’ wood fencing will limit the impact of the additional single-family home to the adjacent single-family homes. Perimeter setbacks are met and are similar to those of neighboring properties.
v. The proposed use is in compliance with the Comprehensive Plan.

The development is in compliance with the Comprehensive Plan. The new single-family home fulfills the objectives of Infill Development found in Blueprint Boise in that it complements and reflects the character of the neighborhood (Goal NAC3.1, Goal NAC3.2, Goal NE-CCN 1.3, Goal NE-CCN 1.4). The project is supported by Goal CC1.1 which encourages infill development in order to reduce vehicle miles traveled and avoid costly extensions of transportation infrastructure. The placement of the garages behind the home is supported by Principles GDP-N.7 and IDP-N.3. Finally, the addition of a single-family dwelling will allow an additional family to have a home in the most livable city in the country (Goal NAC7.1).

9. Recommended Conditions of Approval

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received April 16, 2020 and the revised landscape plan on May 29, 2020, except as expressly modified the following conditions:

2. The applicant shall construct a sidewalk along the Sunset Avenue street frontage. Contact ACHD prior to beginning any work.

Agency Requirements

3. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:

   a. Ada County Highway District (May 15, 2020); and
   b. Central District Health Department (May 18, 2020); and
   c. Boise City Fire Department (May 11, 2020).

4. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:

   a. Drainage (May 14, 2020); and
   b. Sewer (May 8, 2020); and

Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.
Subdivision:

5. The following notes shall be placed on the face of the Final Plat stating:

a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD20-00018 and SUB20-00015.

b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD20-00018, at the time of issuance of individual building permits.

6. The Mylar shall include the following endorsements or certifications (I.C. Title 50, Chapter 13). These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

a. Signatures of owners or dedicators,

b. Certificate of the Surveyor,

c. Certificate of the Central District Health Department,

d. Acceptance of the Commissioners of the Ada County Highway District,

e. Certificate of the Boise City Engineer,

f. Certificate of the Boise City Clerk,

g. Certificate of the Ada County Surveyor, and

h. Signature of the Ada County Treasurer.

7. The name, Shire Subdivision, shall be reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Engineer, the new name to the Planning and Development Services Department and re-approval by the Council of the "Revised" Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "Revised" Final Plat for public hearing.

8. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (B.C.C. 11-09-03.4E).

9. A letter of acceptance for water service from the utility providing the same is required (B.C.C. 11-09-04.3).

10. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).
11. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

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

12. A letter from the appropriate school district is required stating, "The Developer has made arrangements to comply with all requirements of the School District."

13. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

   a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied, OR
   b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

14. Covenants, homeowners’ association by-laws or other similar deed restrictions, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces, shall be reviewed and approved by the Boise City Attorney. After recordation of the Final Plat and CC&R’s, no building permit shall be accepted until a copy of the recorded CC&R’s has been submitted to the Boise City Attorney.

15. Prior to the City Engineer’s Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of the Boise City Code, is to be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

16. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

17. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District.
18. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.

   a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.

   b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.

   c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer's signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.

19. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a "Satisfaction of Non-Building Agreement" is recorded.

20. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City. Contact Erosion Control at 208-608-7100 for more information.

**Standard Conditions of Approval**

21. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

22. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

23. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

24. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

25. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

26. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

27. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

28. Utility services shall be installed underground.

29. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

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

31. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

32. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.
33. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

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

35. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

36. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

37. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
May 15, 2020

To: Matt Smith
3622 W Sunset Avenue
Boise, ID 83703

Subject: Shire/ BPP20-0016/ SUB20-0015/ PUD20-00018
3622 W Sunset Avenue
A 2-lot Single Family Subdivision and Planned Unit Development

In response to your request for comment, the Ada County Highway District has reviewed the submitted application for the item referenced above. It has determined that there are no improvements required to the adjacent street, as the application is not estimated to generate more than 10 additional trips per day.

A. Findings of Fact
1. Improvements – Sunset Avenue
   a. Existing Conditions: Sunset Avenue is improved with 2-travel lanes, 29-feet of pavement, and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Sunset Avenue (25-feet from centerline).
   b. Policy
      Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.
      Street Section and Right-of-Way Policy: District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).
      Standard Urban Local Street—33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 33-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.
      Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.
The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District’s Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

c. **Staff Comments/Recommendations:** Sunset Avenue is improved with 2-travel lanes, 29-feet of pavement and 5-foot wide sidewalk on the south side of the road within 50-feet of right-of-way.

- If the City of Boise requires roadway improvements as part of this application, the applicant should construct Sunset Avenue as one-half of a 33-foot street section with curb, gutter, and 5-foot wide concrete sidewalk. However, staff recommends that the City of Boise not require curb and gutter as part of this application because there is no drainage system to tie into, and these improvements if constructed for this development could create drainage issues for the adjoining properties that are not improved and would create a maintenance burden for ACHD. The applicant should submit engineered drawings to ACHD for review and approval prior to construction.

- If only sidewalk is required by the City of Boise, ACHD will require it to be placed in the ultimate location for a detached sidewalk, assuming a future 33-foot street section. The 5-foot wide concrete sidewalk should be located a minimum of 16.5-feet from the centerline of the street (measured from centerline to front face of sidewalk). If the sidewalk is located behind the existing right-of-way line, the applicant should provide a sidewalk easement to 2-feet behind back of sidewalk. The applicant should submit engineered drawings to ACHD for review and approval prior to construction.

2. **Driveways – Sunset Avenue**

   a. **Existing Conditions:** There is an existing 10-foot wide residential driveway onto Sunset Avenue.

   b. **Policy:**

      **Driveway Location Policy:** District policy 7207.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector or arterial street intersection.

      **Successive Driveways:** District Policy 7207.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.
**Driveway Width Policy:** District policy 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

c. **Applicant’s Proposal:** The applicant is proposing to construct a 9-foot wide driveway onto Sunset Avenue from the site located approximately 235-feet west of 36th Street.

d. **Staff Comments/Recommendations:** The applicant’s proposal meets District policy and is approved. If the City of Boise does not require improvements to Sunset Avenue, the applicant should submit a Driveway Approach Request for the proposed driveway onto Sunset Avenue.

The applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of Sunset Avenue.

Plans must be submitted to the ACHD Development Review Department prior to final approval.

**B. Site Specific Conditions of Approval for Driveways**

1. Construct a maximum 20-foot wide driveway onto Sunset Avenue from the site located 235-feet west of 36th Street.

2. Pave the driveway its full width and at least 30-feet into the site beyond the edge of Sunset Avenue.

3. Submit engineered drawings to ACHD Development Services for review and approval prior to construction. If there are no frontage improvements required by ACHD or the City of Boise, the applicant may submit a Driveway Approach Permit in lieu of engineered drawings prior to construction of the driveway(s).

4. A Traffic Impact Fee may be assessed by ACHD and will be due prior to issuance of a building permit. Please contact the ACHD Planner for information regarding impact fees.

5. Comply with the Standard Conditions of Approval as noted below.

**C. Site Specific Conditions of Approval for Roadway Improvements, if required by the City of Boise**

1. If the City of Boise requires roadway improvements as part of this application, the applicant shall construct Sunset Avenue as one-half of a 33-foot street section with curb, gutter, and 5-foot wide concrete sidewalk.

2. If only sidewalk is required by the City of Boise, ACHD will require it to be placed in the ultimate location for a detached sidewalk, assuming a future 33-foot street section. The 5-foot wide concrete sidewalk should be located a minimum of 16.5-feet from the centerline of the street (measured from centerline to front face of sidewalk). If the sidewalk is located behind the existing right-of-way line, the applicant should provide a sidewalk easement to 2-feet behind back of sidewalk.

3. Submit engineering drawings for the frontage improvements to ACHD Development Services for review and approval prior to construction.
4. A Traffic Impact Fee may be assessed by ACHD and will be due prior to issuance of a building permit. Please contact the ACHD Planner for information regarding impact fees.

5. Comply with the Standard Conditions of Approval as noted below.

D. Traffic Information
Trip Generation
This development is estimated to generate 9 additional vehicle trips per day (9 existing); and 1 additional vehicle trips per hour in the PM peak hour (1 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 10th edition.

Condition of Area Roadways: Traffic Count is based on Vehicles per hour (VPH)

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>PM Peak Hour Traffic Count</th>
<th>PM Peak Hour Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>36th Street</td>
<td>0-feet</td>
<td>Minor Arterial</td>
<td>535</td>
<td>Better than “E”</td>
</tr>
<tr>
<td>ACHD Road 3</td>
<td>95-feet</td>
<td>Local</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a three-lane minor arterial is “E” (720 VPH).

Average Daily Traffic Count (VDT): Average daily traffic counts are based on ACHD’s most current traffic counts
- The average daily traffic count for 36th Street north of State Street was 10,773 on 08/22/2019.
- There are no current traffic counts for Sunset Avenue.

E. Attachments
1. Vicinity Map
2. Site Plan
3. Standard Conditions of Approval
4. Appeal Guidelines

If you have any questions, please feel free to contact me at (208) 387-6171.

Sincerely,

Stacey Yarrington
Planner III
Development Services

cc: Project File
City of Boise (via email)
Stride Design + Remodel (via email)

VICINITY MAP

Ada County Highway District • 3775 Adams Street • Garden City, ID • 83714 • PH 208-387-6100 • FX 345-7650 • www.achd.idaho.org
Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).

2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.

3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant’s engineer should provide documentation of ADA compliance to District Development Review staff for review.

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

5. A license agreement and compliance with the District’s Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.

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

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

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

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

10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.

11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant’s authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.
Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

   a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

   b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

   c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

   d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager’s reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

   e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.
1. We have No Objections to this Proposal.

2. We recommend Denial of this Proposal.

3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.

4. We will require more data concerning soil conditions on this Proposal before we can comment.

5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
   - high seasonal ground water
   - bedrock from original grade
   - other

6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.

7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.

8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
   - central sewage
   - interim sewage
   - individual sewage
   - community sewage system
   - central water
   - individual water
   - community water well

9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
   - central sewage
   - sewage dry lines
   - community sewage system
   - central water

10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.

11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.

12. We will require plans be submitted for a plan review for any:
   - food establishment
   - swimming pools or spas
   - child care center
   - beverage establishment
   - grocery store

13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

Reviewed By: [Signature]
Date: 5/14/2020
May 11, 2020

Ethan Mansfield
PDS – Current Planning

Re: PUD20-00018

Dear Ethan

This is a request for construction of a single family home with an existing home on a single lot.

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

Comments
1. No Comments

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

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

Regards,

Todd Callahan
Interim Division Chief – Assistant Fire Marshal
Boise Fire Department
May 14, 2020

PDS Building Department Plan Review
The subdivision Preliminary/Final plat SUB20-00015 has been reviewed and there are no comments at this time.

Jenny Nelson
Plans Examiner
Planning and Development Services
Office: (208)608-7109
jjnelson@cityofboise.org

Making Boise the most livable city in the country.
To: Planning and Development Services

From: Melissa Jannusch, EIT
Associate Engineer
Public Works Engineering

Subject: SUB 20-00015 | Shire Subdivision
3622 W Sunset Ave
Grading & Drainage, Hillside, & Misc. Engineering Comments

1. STANDARD GRADING AND DRAINAGE CONDITIONS

1) Subdivision drainage shall be in accordance to B.C.C. 11-09-04-05. The developer shall submit a letter from the appropriate drainage entity approving the drainage system or accepting the drainage there from. A copy of the construction drawing(s) depicting all site drainage improvements shall be submitted with the letter.

   a. Developer may either construct improvement prior to final platting or post bond in the amount of 110% of the estimated construction costs. Estimated construction costs shall be provided by the developer's engineer.

   b. For drainage facilities located outside of the public right-of-way, the developer shall dedicate a storm drainage easement. Said easement shall be labeled as either an Ada County Highway District storm drainage easement or a homeowners’ association storm drainage easement, depending on what entity will assume responsibility for the operation and maintenance of the storm drainage system.

   c. If the homeowners’ association is to be responsible for the operation and maintenance of the storm drainage facilities, the covenants,
homeowners' association by-laws or other similar deed restrictions shall be reviewed and approved by the Boise City Attorney.

2) If fills greater than one foot in depth are to be placed in subdivision lots inside of building envelopes, as defined by the applicable subdivision building setbacks, the Developer shall obtain a grading permit from the Boise City Building Department (Rough Grading Permit). Grading permit must be acquired prior to the start of construction or final plat signature by the Boise City Engineer, whichever comes first.

**Special Conditions:**

2. **EROSION CONTROL CONDITIONS**

NA

3. **STANDARD HILLSIDE CONDITIONS**

NA

4. **MISC. ENGINEERING CONDITIONS**

NA

5. **PRIVATE STREET CONDITIONS**

NA

If you have any further questions, please contact Melissa Jannusch

Melissa Jannusch, E.I.T.
Associate Engineer
Hillside Coordinator
Public Works Engineering
208-608-7168
mjannusch@cityofboise.org

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CITY OF BOISE

INTER-DEPARTMENT
CORRESPONDENCE

Date: May 8, 2020

To: Planning and Development Services

From: Mike Sheppard, P.E., Civil Engineer II
Public Works Department

Subject: SUB20-00018; 3622 W Sunset Ave; Sewer Irrigation Sub Comments

1. STANDARD IRRIGATION CONDITIONS

   a. Comply with B.C.C. 11-09-04.11 concerning pressure irrigation requirements prior to
      signing of the final plat by the Boise City Engineer.
      1. The owner, person, firm or corporation filing the subdivision plat shall provide a
         pressurized irrigation system. The system must conform to the minimum design
         standards and specifications of Boise City, or of the entity that will operate and
         maintain the system, if that entity has published standards; or
      2. The owner, person, firm or corporation filing the subdivision plat shall provide
         written documentation that a valid waiver of the requirement to provide a pressure
         irrigation system and that Idaho Code 31-3805(1)(a) regarding transfer of water
         rights, has been complied with.

   b. Prior to either commencing construction or signing of the final plat by the Boise City
      Engineer, developer shall:
      1. Submit for approval by the Department of Public Works, construction plans and
         specifications for the pressurized system, stamped by a registered engineer.
      2. Provide written assurance that provisions have been made for ownership, operation,
         and maintenance of the system.
      3. Delineate all necessary irrigation easements on the final plat (B.C.C. 11-09-03.6).

   c. Developer shall provide for an independent inspection of the installation of irrigation
      facilities and written certification by the design or project engineer that the system was
      installed according to the approved plans. In addition, the Department of Public Works must
      be present for the system pressure test and participate in a final inspection.

   d. Developer may construct prior to final platting or bond in the amount of 110% of the
      estimated construction costs based on the approved plans.
e. **Fees**: Developer and/or owner shall pay the current inspection and plan review fees applicable to the proposed subdivision prior to signing of the final plat by the Boise City Engineer (B.C.C. 11-03-03.3.B.).

**2. STANDARD SEWER CONDITIONS**

**City Subdivision Conditions**

a. Wetline sewers are required (B.C.C. 11-09-04.4., *Required Improvements; Sanitary Sewer*).
   1. Plans shall be submitted to and approved by the Boise City Department of Public Works prior to commencing with construction. Developer and/or owner may either construct improvements prior to final platting or execute a performance agreement and provide surety in the amount of 110% of the estimated costs. The developer and/or owner shall coordinate with the Department of Public Works for construction inspection prior to and during construction. Unless otherwise approved by the Public Works Department, all sewer construction shall be completed and accepted within 90 days of plat recordation, or within 30 days of issuance of the first building permit within the subdivision, whichever comes first.

   **NOTE**: All bonding shall conform to Boise City Code 1-19, *Surety Bonds*.

2. Developer and/or owner shall pay the current sewer inspection fees for the proposed subdivision prior to signing of the final plat by the Boise City Engineer.

3. Developer and/or owner shall be responsible for repairs of any failures that occur within one (1) year of the project acceptance by the appropriate sewer entity (Boise City Code 11-09-04.2F, *Subdivision Standards; Required Improvements*).

b. Developer and/or owner shall delineate all necessary Boise City sanitary sewer easements on the final plat prior to signing of the final plat by the Boise City Engineer (Boise City Code 11-09-03.6A, *Subdivision Design Standards; Easements*).

c. Unless previously paid, developer and/or owner shall pay a sewer assessment along __W Sunset Ave and/or as may be approved by the Boise City Public Works Commission prior to signing of the final plat by the Boise City Engineer. Contact the Department of Public Works for specific costs.

d. Unless previously paid, developer and/or owner shall pay a connection fee and physically connect to sewer the existing building on Lot(s) __2____, Block 1 prior to signing of the final plat by the Boise City Engineer or post bond/agreement for 110% of the cost to connect.

   **NOTE**: All bonding shall conform to B.C.C. 11-09-04.2., *Required Improvements; Filing of Plans and Bonding Surety*, which specifies that the improvements to be made shall be done in a time period not to exceed one year from the date of approval of the final plat.

e. Developer and/or owner shall comply with all provisions of the Boise City “Sewer Tap” Ordinances.
1. Developer and/or owner may either construct prior to final platting or post bond/agreement in the amount of 110% of the estimated costs. Please contact the Public Works Department for specifications and inspections during construction.

**NOTE**: All bonding shall conform to B.C.C. 11-09-04.2., *Required Improvements; Filing of Plans and Bonding Surety*, which specifies that the improvements to be made shall be done in a time period not to exceed one year from the date of approval of the final plat.
CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: 8 May 2020

To: Planning and Development Services

From: Tom Marshall, Street Light Program Technician
Public Works Engineering

Subject: Street Light Comments
PUD20-00018: 3622 W Sunset Ave.

No comment.

If you have any questions, contact Tom Marshall at 208-608-7526 or tmarshall@cityofboise.org.

Tom Marshall
Street Light Program Technician
Public Works Engineering
Office: (208)608-7526
tmarshall@cityofboise.org

Making Boise the most livable city in the country.
TO: Planning & Zoning Commission
FROM: Ethan Mansfield, Associate Current Planner
DATE: 7/9/2020
RE: Late Correspondence / PUD20-00018 & SUB20-00015

PROJECT DESCRIPTION
The applicant requests a conditional use permit for a planned residential development comprised of 2 single-family homes on 0.31 acres located at 3622 W Sunset Avenue in an R-1C (Single-Family Residential) zone. Also included are preliminary and final plats for a residential subdivision comprised of 2 buildable lots.

SUMMARY
The Planning Team received comments from the public after the Project Report was packaged. Attached is a letter from the owner and resident of the property to the east that supports the waiver to the requirement to construct sidewalk along Sunset Avenue adjacent to the site. Their argument centers around the lack of sidewalk currently present along the north side of Sunset Avenue, the presence of sidewalk connectivity on the south side, and the aesthetic concern over the barriers that would likely be required by ACHD along either end of the sidewalk section in front of the subject property.

RECOMMENDED ACTION
The Planning Team maintains a recommendation of approval for PUD20-00018 & SUB20-00015 and a waiver of the Subdivision Ordinance requirement to install curb and gutter. The Planning Team maintains a recommendation against granting a waiver of the requirement to install sidewalk for the reasons outlined in the staff report.

ATTACHMENTS
- Engler and Dowdy Letter
Dear City of Boise,

We are neighbors of Matt and Samantha Smith, homeowners of 3622 W Sunset Ave and have been made aware that they are planning to build a single-family home next door to their current home. We attended the neighborhood meeting in support of this endeavor. We were also made aware that the city may require our neighbors to put a sidewalk in front of their new home. It was mentioned that this sidewalk would likely have barriers placed on each end for safety purposes. We are writing in support of not putting a sidewalk on our shared side of Sunset Avenue for the following reasons:

1. There is currently no sidewalk on north Sunset Avenue
2. Safety barriers would be unsightly
3. We are not planning on putting a sidewalk in front of our home which is next door
4. There is a sidewalk on the other side of the street for community use

Thank you for your consideration of these ideas,

Adam Engler & Mackenzie Dowdy
3614 W Sunset Ave
TO: Mayor and Boise City Council
FROM: Kevin Holmes, Associate Planner
RE: Public Hearing of CAR20-00005 & SUB20-00009
and Appeal of PUD20-00013
HEARING DATE: August 25, 2020

CAR20-00005: Annexation of 19.6 acres located at 9933 & 10151 W Victory Rd with R-1B (Single Family Residential) zoning.

SUB20-00009: A preliminary plat for a residential subdivision comprised of 67 buildable lots and 6 common lots on 18.5 acres.

PUD20-00013: The Southwest Ada County Alliance Neighborhood Association, is appealing the Planning & Zoning Commission approval of a conditional use permit for a planned residential development comprised of 67 single family dwellings on 18.5 acres in a proposed R-1B (Single Family Residential) zone.

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This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through the P & L Portal.
BACKGROUND & SUMMARY OF PLANNING & ZONING COMMISSION ACTION

On June 8, 2020, the applicant requested the annexation of 19.6 acres with R-1B (Single Family Residential) zoning and a conditional use permit on 18.54 acres for a planned residential development comprised of 67 single family homes. A preliminary plat comprised of 67 buildable lots and 6 common lots was also included. The Planning & Zoning Commission approved the PUD and recommended approval of the preliminary plat and annexation requests with a 7-1 majority.

The subject property is currently zoned RSW (Southwest Community Residential) within Ada County and contains three existing single-family homes, one of which is proposed to remain on a 1.3-acre lot located in the southwest corner of the development. To accommodate the proposed density of the project (3.61 units / acre), the applicant is requesting R-1B zoning, which allows up to 4.8 units per acre. The property is designated “Large Lot” on the Boise City Comprehensive Plan Land Use Map, which supports the requested R-1B zone. In addition to the R-1B zone, A-1, A-2, R-1A, N-O, and L-O zones would also be allowable. The Planning and Zoning Commission found the R-1B zone to be appropriate for the site due to the fact it abuts properties zoned R-1B to the north and is adjacent to Victory Road, an arterial roadway.

The planned unit development approved by the Commission includes a request for reduced lot sizes, widths, and setbacks. The subdivision is generally laid out with lots decreasing in size closer to Victory Road. Through the planned unit development process, the applicant is requesting R-1C dimensional standards for the majority of the lots. For the 14 lots along the southern property line, the applicant is proposing increased rear setbacks of 30 feet and minimum lot sizes of 9,000 square feet, standards consistent with
the R-1B zone. The Planning and Zoning Commission was generally supportive of the reductions as the proposed 3.61 unit per acre density is below the 4.8 unit per acre density allowed in the R-1B zone. Additionally, the smaller lots will be internal to the site, with larger lots proposed along the south and west property lines where the property abuts existing single-family homes, most of which are on one-acre in size. A condition of approval limits any homes built on the 14 southern lots to a single story if they utilize less than 10-foot interior side setbacks typical of the R-1B zone. This would retain building patterns more consistent with the R-1B zone while still providing flexibility to new home builders. This also addresses compatibility and density concerns expressed by many of the residents of the existing surrounding neighborhood and the Southwest Ada County Alliance Neighborhood Association.

**Amenities**

The primary amenity proposed for this development is a 36,877 square foot common lot in the center of the subdivision which includes a pond, a 4-foot-wide gravel walking path, seating areas, a shade structure, and climbing boulders. A condition of approval will improve the walking path to meet ADA standards and extend it around both sides of the pond to create a walkable loop. In addition to the central common area, there are two pedestrian connections from the interior of the development to Victory Road. Both are dual purpose, with one also functioning as a required secondary emergency access and the other a common drive for the northeastern most two lots. In total, the applicant proposes approximately 12.9% of the site to contain landscaped open space.

**Tree Mitigation**

A significant number of mature trees exist on this property. One area of mature trees that the Planning and Zoning Commission identified as needing to be retained exists along the southern property line. The applicant has agreed to avoid removing these trees in order to preserve a natural buffer between the existing homes and the new development. While a full tree mitigation plan has not been completed, a tree assessment report has been submitted. This report states 352 trees of unknown health, age, or caliper are expected to be removed. It is reasonable to expect that the actual number of healthy trees being removed will be significantly lower as this property has been utilized as agricultural land for decades. The applicant is proposing to plant 297
new trees, between common lots, landscape buffers, and an agreement to plant two
trees on each buildable lot. A condition of approval from the Planning and Zoning
Commission required the submission of a tree mitigation plan prior to the approval of any
associated grading permits to ensure that the number of existing healthy trees being lost
would be replaced by an equal or greater number of new trees. While the full caliper
inches of the mature trees lost will most likely not be fully replaced, the total number of
trees on the property will remain the same or increase.

Public testimony was provided at the Planning & Zoning Commission hearing on the item
on June 8, 2020. Dozens of neighbors expressed concerns that the proposed
development was too dense for the area, did not provide a compatible development
with the more rural settings that surround the site to the south and west, and would
negatively impact the roadway network with increased traffic. There were also concerns
over the loss of open space and how existing drainage issues that are present on the site
will be addressed.

During deliberation, the main discussion point centered on the number of lots being
proposed and how compatible the development was with the nearby neighborhoods.
The Commission debated the merits of holding the development to all R-1B standards,
effectively reducing the lot count to between approximately 40-50 lots, and if that
reduction would ultimately address any of the neighbors’ concerns. The transition in lot
sizes along the southern boundary was also examined. Multiple Commissioners expressed
satisfaction with the ratio of new lots to existing (approximately a 1.5/1 ratio) and also
pointed out that the retention of the existing trees, in addition to the fact that existing
homes were over 150 feet away from the property line, would provide an adequate
buffer.

A motion to approve the project, with an added condition to require a tree mitigation
plan be submitted for approval, was passed with a 7-1 majority.
The Commission approved the planned unit development and recommended approval of the annexation with the following reason statements:

**Annexation**

As further detailed in the project report, the annexation complies with the requirements of the Development Code, B.C.C. Section 11-03-04.15, as the property abuts Boise City limits to the north and east and is located within the Boise Area of City Impact and Sewer Planning Area. Comments provided by public agencies confirm that services are available to the site and will have a minimal impact on cost of services as the property is adjacent to land already within City limits. While the property is currently zoned RSW (Southwest Community Residential) within Ada County, the R-1B zone is appropriate for the site as it is designated as “Large Lot” on the Comprehensive Plan Land Use Map.

**Planned Unit Development**

The residential planned unit development, as conditioned, is consistent with the approval criteria of B.C.C. Section 11-03-04.07 (Planned Unit Development) and Section 11-07-06.05 (Planned Unit Development Standards). The development will be compatible with surrounding uses as residential subdivisions of similar densities are adjacent to the site to the north. An appropriate decrease in density and larger lot dimensional standards are provided along subdivision boundaries to adequately transition to the existing larger lots surrounding the property. The site is large enough to accommodate the development without adversely impacting other properties in the vicinity, and comments received from public agencies confirm the use will not place an undue burden on the transportation system or other services in the vicinity. The development is supported by the Comprehensive Plan as it lists detached single-family homes as the primary use for land designated as “Large Lot” on the Land Use Map. With the recommended conditions of approval, the roadway and pedestrian layout meets numerous Comprehensive Plan goals and policies related to connectivity within new developments (Goal CC7.1, Goal CC7.2, Principle GDP-N.1, Principle GDP-N.5, Principle SW-CCN 2.7, and Principle SW-C 1.4) and, the amenities provided meet Blueprint Boise goals related to preserving existing natural features which are accessible by all (Principle GDP-N.2 and Principle GDP-N.8).

**Appeal Grounds & Response**

On July 1, 2020 the Ada County Southwest Alliance Neighborhood Association, appealed the Planning & Zoning Commission’s approval of the conditional use permit on three grounds. They have been summarized below and are followed by the Planning Team’s response.

1. **The Decision was arbitrary and capricious and made in error because the Commission intertwined the PUD application with the rezone request.**

   **Summary:** The appellant contends the Planning and Zoning Commissions decision utilized arguments related to density when approving the PUD, which is inconsistent with the PUD approval criteria under B.C.C. Section 11-03-04.07. Even if density were
considered, the application of such criteria was not adequately and uniformly utilized between the different boundaries of the development.

Response: The Commission decision clearly analyzed the project under the PUD approval criteria of B.C.C. Section 11-03-04.7(C)(7) and demonstrated their decision was based on the required findings. While it is true that inevitably the arguments around dimensional standards related to the PUD and density discussions related to the annexation can become interrelated, that in and of itself does in invalidate the findings that were clearly made. The Planning Team finds this ground does not demonstrate an error in the Commission’s decision.

2. The Decision was not supported by substantial evidence that the proposed use will not adversely affect other property of the vicinity.

Summary: During the public hearing, evidence was provided to show that there is an existing flood irrigation issue between the subject property and two adjacent properties to the southeast. The Commission received public testimony that there was ongoing mediation regarding this flooding issue. The Commission made their approval without a firm drainage or irrigation plan and did not address the current flooding issues in their deliberation.

Response: The public record shows that the Commission established, through their questioning of the Planning Team, that issues related to irrigation, grading, and drainage would all be reviewed through the platting process to ensure any adverse effects that currently exist would be addressed. Prior to the approval of a Final Plat, an approved grading and drainage plan will be approved by the City as well as all relevant irrigation and drainage entities.

3. The Decision fails to comply with several provisions of the Comprehensive Plan.

Summary: The appellant claims the decision does not comply with Comprehensive Plan goals and policies related to predictable land development patterns, the preservation of mature trees and cultural resources, and numerous provisions related to the transportation system.

Response: The project report and Commission decision adequately analyzed the project’s compliance with all PUD approval criteria, including compliance with the Comprehensive Plan. As outlined in the project report, this development of detached single-family homes is proposed on a property already surrounded by existing detached single-family homes. The addition of a residential neighborhood in an area designated on Blueprint Boise’s Areas of Stability and Change Map as an area in which infill and redevelopment is anticipated is not a departure from a predictable land development pattern.

Through the conditions of approval to retain mature trees along the southern property line and the approval of a complete tree mitigation plan, the Commission has taken measures under the authority afforded through the PUD process to protect and retain
many healthy mature trees on the site. As stated by Commissioner Stevens, the approval of the PUD will most likely result in more mature trees being able to be retained than if a straight subdivision had been proposed:

“And if we were to plat this in a normal R-1B and we just stuck a grid on top of it and didn't have the meandering path and didn't have some of the other things that come with what's in front of us tonight, I think we'd actually end up with fewer trees and, ... and we certainly wouldn't have the pond.”

This line of reasoning extends to the two homes which would be demolished should the development be built. While these homes are certainly unique, neither are listed as historical and are currently afforded no protections. The included condition to have the Idaho State Historical Preservation Society document the homes prior to any demolition, and the applicant’s plan to incorporate the information into an interpretive feature located in the common area, is supported by Principles GDP-N.9 and NAC15.3 of the Comprehensive Plan.

Regarding the Decision complying with Comprehensive Plan polices related to the transportation system, the record shows that these items were covered extensively in the project report as well as in Commission deliberations. As detailed in the project report, the micro-path connection to Victory Road and the detached sidewalks along Mitchell Street comply with Goal SW-C1.4 and Goal SW-CCN2.7, respectively. Commissioner Stevens also addresses the relationship with this development and future plans to improve Victory Road adjacent to the site:

“It is in the ACHD staff report that the Capital Improvement Plan includes widening Victory by 2025. And so, you know, by the time this actually gets built out, if in fact it goes that direction, we are going to have a more accommodating roadway for the neighborhood.”

The addition of a left turn lane at the intersection of Mitchell Street and Victory Road, as identified in the project report and in the public hearing, will also increase the efficiency and safety of the existing transportation system as called for by Goal SWCC7.1.1. The Planning Team finds this ground does not demonstrate an error in the Commission’s decision.

Applicant’s Response to Appellant’s Memorandum

The applicant, Southpoint, LLC, responded to the appeal grounds and expressed their support for the Planning and Zoning Commission’s decision to approve the PUD application. They stated the following claims in relation to each of the three grounds above:

1. The PUD is very much compatible with other uses in the general neighborhood. The project is located at the transition between the “Large Lot” and “Suburban” Comprehensive Plan land use areas. It is located on a major transportation corridor (Victory Road), and the lot sizes are similar to those in the area and appropriately transitioned. The PUD allows for imaginative
preservation of open space and common area amenities that honor the history of this property.

2. There is no adverse effect on other property in the vicinity as a result of the PUD. The PUD does not have any impact at all on the flooding issues identified by SWACA, which occur off-site. Even if there were an issue on this property, any and all grading and drainage issues will be addressed in connection with detailed engineering and grading associated with a final plat—standard operating procedure for the City.

3. And, finally, the PUD is in compliance with Blueprint Boise. While PUDs affect lot dimensions, the modifications must be within the density limits of the district. The density proposed is squarely within the R-1B designation, which is explicitly permitted in the “Large Lot” land use area. And the clustering permitted by the PUD allows for preservation of the central pond area. Meanwhile, the transportation issues identified by SWACA have been considered by ACHD, which has approved the project.

They believe the Planning and Zoning Commission exercised their discretion appropriately in approving the PUD application.

**Recommendation**

Three motions are required, one for each individual application:

First, the Planning and Zoning Commission recommended Council approve the proposed annexation. As detailed in the project report and recommendation made during the June 8, 2020 hearing, the project complies with the requirements of the Development Code, B.C.C. Section 11-03-04.15.

Second, if the annexation request is approved, a motion for the appeal of the PUD is needed. Council can take one of the following actions:

1. **Uphold the decision** of the Planning and Zoning Commission, and provide additional facts, evidence, and reasons supporting the decision. Conditions of approval may be modified if so desired.

2. **Approve the appeal** and deny the PUD application, and provide discussion, evidence and reasons for supporting the denial.

The Planning Team recommends Council deny the appeal and uphold the Commission’s original decision to approve the planned unit development with conditions as the development is in compliance with the planned unit development standards of the Code (B.C.C. 11-03-04.07 & B.C.C. 11-07-06.05). No evidence suggesting the Commission erred in its decision has been submitted. The Planning Team finds the Commission’s decision was supported by substantial evidence and was not arbitrary or capricious.
In the event Council opts to approve the appellant’s appeal and deny the PUD application, the standards of review (below) for where you may find error are listed below.

Lastly, a motion for the subdivision will be needed as well. The Planning and Zoning Commission recommended Council **approve** the preliminary plat as it is found to be in conformance with the Boise City Development Code and **Blueprint Boise**.

**Standards of Review for Appeals**
Section 11-03-03.09.C(2) of the Boise Development Code provides Council with the following options when acting on an appeal:

(a) Because the review bodies are recognized as having expertise in their substantive areas, the Council shall give due consideration to their decisions.

i. The Council may find error on the following grounds:
ii. The decision is in violation of constitutional, state, or city law. An example would be that the review body’s decision would be a taking.
iii. The review body’s decision exceeds its statutory authority.
iv. The decision is made upon unlawful procedure. An example would be if notice of a required public hearing was inadequate. In such cases, the matter may be remanded to correct the error.
v. The decision is arbitrary, capricious or an abuse of discretion in that it was made without rational basis, or in disregard of the facts and circumstances presented. Where there is room for two opinions, action is not arbitrary and capricious when exercised honestly and upon due consideration.
vi. The decision is not supported by substantial evidence.

(b) If error is found, the review body decision may be reversed or modified.

(c) If no error is found the appeal shall be denied and the decision upheld.
#106: Application for Appeal

I (we) Southwest Ada Co. Alliance Neighborhood Assoc, hereby appeal the decision of the Boise City:

- [x] Planning & Zoning Commission
- [ ] Hearing Examiner
- [ ] Design Review Committee
- [ ] Historic Preservation Commission
- [ ] Planning Director

File Number: PUD20-00013
Address: 9933 Victory Rd Boise, ID 83709

Specific Action Being Appealed: The Planning and Zoning Commission's decision of approval for PUD20-00013

Grounds for Appeal

1. The decision is not supported by substantial evidence
2. The decision is arbitrary, capricious and an abuse of discretion
3. The decision is made upon unlawful procedure.
4. The decision is in violation of Constitutional, state or City law.

Appeal Contact Person: Marisa Keith, on behalf of the Southwest Ada Co. Alliance
Address: 3279 S Cloverdale Rd Boise, ID 83709
Phone: 208-871-8224
Email: mkeithboise@gmail.com

Appeals

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

*Portion of fee is refundable is appeal is successful.

Notes:

1. If the reasons for the appeal are resolved prior to the appeal hearing, please contact the Planning Staff at 208-608-7100.
2. The only topics which may be discussed during the appeal hearing are the specific reasons for the appeal as stated in the application.
3. Neighborhood groups are encouraged to elect a spokesperson for appeals that are supported by numerous residents of the project to avoid a duplication of testimony.
4. Section 11-3-7.2 of the Zoning Ordinance provides that an appeal to Council may not be withdrawn without the consent of Council.

Signature of Appeellant/Representative: ___________________________ Date: 6-17-2020

For Staff Use Only:

If the appellant is not the applicant, the applicant must be contacted immediately following the acceptance of this appeal. Applicant contacted on ___________________________ by ___________________________  □ Appeal is by applicant.
July 1, 2020

Re: 9933 Victory Rd
PUD20-00013

To: Mayor McLean and Boise City Council

SWACA is submitting this Memorandum in support of our appeal of the Planning and Zoning approval of the Planned Unit Development at 9933 Victory Rd.

Reason for Decision

“The residential planned unit development, as conditioned, is consistent with the approval criteria of B.C.C. Section 11-03-04.07 (Planned Unit Development) and Section 11-07-06.05 (Planned Unit Development Standards). The development will be compatible with surrounding uses as residential subdivisions of similar densities are adjacent to the site to the north. An appropriate decrease in density and larger lot dimensional standards are provided along subdivision boundaries to adequately transition to the existing larger lots surrounding the property. The site is large enough to accommodate the development without adversely impacting other properties in the vicinity, and comments received from public agencies confirm the use will not place an undue burden on the transportation system or other services in the vicinity. The development is supported by the Comprehensive Plan as it lists detached single-family homes as the primary use for land designated as “Large Lot” on the Land Use Map. With the recommended conditions of approval, the roadway and pedestrian layout meets numerous Comprehensive Plan goals and policies related to connectivity within new developments (Goal CC7.1, Goal CC7.2, Principle GDP-N.1, Principle GDP-N.5, Principle SW-CCN 2.7, and Principle SW-C 1.4) and, the amenities provided meet Blueprint Boise goals related to preserving existing natural features which are accessible by all (Principle GDP-N.2 and Principle GDP-N.8).”
The Council should modify the Decision to approve the PUD application because the Decision is arbitrary, capricious or an abuse of discretion in that it was made without rational basis, or in disregard of the facts and circumstances presented (11-03-03.9C(2)(a)v) and because the decision is not supported by substantial evidence (11-03-03.9C(2)(a)vi). The evidentiary record clearly establishes that the project does not satisfy the following PUD approval criteria (11-03-04(7)(C)(7) .

(a) The location is compatible to other uses in the general neighborhood.
(d) The proposed use, if it complies with all condition imposed, will not adversely affect other property of the vicinity.
(e) The proposed use is in compliance (with) the Comprehensive Plan

1. The Decision states that as conditioned the decision of approval is consistent with B.C.C. Section 11-03-04.07.

The decision states that the development will be compatible with surrounding uses as residential subdivisions of similar densities are adjacent to the site to the north.
The Decision is arbitrary and capricious and made in error because the Commission intertwined the PUD application with the zoning request.

The PUD is not related to density and it does not affect the allowed density under the proposed zone. (video 3:38.14)

Even if density were considered under a PUD, the Commission’s reliance on existing subdivisions on the North side of Victory completely ignores the different categories in the Land Use Map in Blue Print Boise. The north side of Victory is designated as Suburban and the area where this property is located is designated as Large Lot. Suburban and Large Lot do contain some of the same zones, however the density range for Suburban is 3-5 dwelling units/acre and Large Lot is listed as 1-2 dwelling units/acre (BBP 3-18 & 3-19).

The decision goes on to state that “An appropriate decrease in density and larger lot dimensional standards are provided along subdivision boundaries to adequately transition to the existing larger lots surrounding the property.”

Here, dimensional standards are discussed, but again we see density being used as a method of approving the PUD. Most of the lots along the south border are significantly smaller than the ½ to 1+ acre parcels listed in the Land Use Categories BBP3-18. Many are even smaller, at around .21 acres, than what is listed in the SW Boise Planning area of BBP for NAC’s which states that “…Densities as high as 15-20 units per acre may be permitted in the village, but should transition to four units per gross acre abutting existing low-density residential areas. (SW-CCN1.7)
Only 1 of the 67 proposed lots meet the density range as discussed in BBP 3-18 and only 19 of the 67 meet the square footage standards set forth in the R1-B zone.

The term ‘adequately transition’ is subjective, and a definition for adequate transition to larger lots is not found in code. If we look at the current landowner’s home on lot 27 it appears that adequate transition is somewhere in the range of 8778 sq. ft. to 20,790 sq. ft. SW-CCN1.7 suggests that transition should be 10,890 sq. ft. Of the 14 lots along the south border only 4 of the 14 comply with SW-CCN1.7.

There was some discussion that the dimensional standards were acceptable because it was nearby the Suburban land use category (video starting at 1:33.00). However, accepting dimensional standards in Large Lot that are even lower than what is across the street in a Suburban use category is going down a slippery slope to allow smaller and smaller lots within the Large Lot designation area of SWACA.

Staff stated that a recommended condition of approval was that the 14 lots on the south border are proposed to retain the typical standards of the R1B zone, except for side setbacks. A proposed condition of approval limited these lots to 1 story if less than the 10-foot interior side setback was used which would help retain building patterns more consistent with Large Lot land use designation (video 57.32). If these larger lots are ‘more consistent’, but still not fully consistent, then that means that the smaller lots are inconsistent with the Large Lot land use designation.

If transition from the North side of Victory to the south is desired then the dimensions of the lots along Victory should at least match what is on the north side of the road in the Suburban Land Use at 7,000-10,000 sq. feet and then increase in size moving south through the development in the Large Lot category.

2. **In their decision the Commission stated ‘the proposed use, if it complies with all conditions imposed will not adversely affect other property of the vicinity’**

The Decision is not supported by substantial evidence and there was evidence given to show that there is an existing flood irrigation issues to surrounding properties.

The Commission received testimony from a member of the public regarding an existing flooding issue between the property and two neighbors to the south and that a hydrologist had been involved to assess water flow issues. The member of the public further disclosed that there was ongoing mediation regarding this flooding issue. The Commission made their approval without a firm drainage or irrigation plan and did not address the current flooding issues in their deliberation.
3. The proposed PUD fails to comply with several other provisions of the Comprehensive Plan.

**Comprehensive Plan 2.2 A Predictable Land Pattern:** “Boise will strive to maintain a predictable development pattern in which each part of the community has a distinct character and style. Growth will be planned in a manner that protects the quality of life valued by the city’s residents and helps the city maintain fiscal health”

Allowing a PUD in a Large Lot land category with a majority of the dimensional standards below what is allowed in the requested zone of R1B is not predictable. This approval would allow similar sized or smaller lots than what is being approved in other areas of SWACA in the Compact and Suburban Land Use Categories.

Additionally, the Music project does not protect the quality of life of current residents who have made the choice to live in a more semi-rural area as neighbors have reported an increase in dangerous street conditions related to traffic and speeding on neighborhood roads. This has led to an inability to continue with activities they once were able to do such as ride their horses on the roads.

**BBP Goal ES6.2:** MAINTENANCE AND REHABILITATION specifically -Preserve healthy specimens of mature, robust, and long-living species; and Ensure the health and survival of all intermediate-aged trees is not supported by this development.

**Goal NAC13:** Protect historically and culturally significant resources that contribute to community identity and history

The nearest bus stop is ½ mile which is more than the ¼ mile most people will walk. Lack of bike/ped infrastructure contributes to the car being the primary form of transportation in SW Boise. This project does not support the following goals found in the SWCC and BBP related to transportation:

**SWCC4.1.3:** New residential development should be designed to facilitate public transportation and other alternate transportation modes to the single occupancy automobile.

**SWCC7.1.1** Increase the efficiency and safety of the existing transportation system

**SWCC7.1.8** Promote the development of energy efficient transportation

**SWCC7.1.10** Improve and expand the non-vehicular transportation systems.

**SWCC7.2.5** Where appropriate, provide for safe bicycle/pedestrian transportation.

**BBP Goal SW-C1:** Improve pedestrian and bicycle safety and linkages.

Residents addressed their concerns to ACHD which are found in the ACHD staff report under #7. Under ACHD’s policies they did not require any mitigation to the nearby roads because this project would contribute less than 10% of existing
downstream roadway or intersection peak hour traffic. However, this development will be adding another slice to the ‘death by a thousand cuts’ growth pattern that has plagued SW Boise.

Given the neighbor’s concerns, and since they do have some expertise in the subject of traffic near their own homes, SWACA would ask that this development contribute to the fulfillment of goals in the SWCC.

SWACA feels that the some of the transportation impacts of this development could be mitigated with increased ped/bike connectivity across Victory at Mitchell. As a mid-mile collector, a marked crossing would allow bike/ped a safer and closer crossing alternative then traveling a ½ mile either way to a major intersection or crossing at the Victory/Mitchell intersection where there is no infrastructure at all. Some sort of lighted pedestrian crossing would be appropriate to consider to cross Victory at Mitchell. This route is listed on ACHD’s Southwest Boise’s Bike and Pedestrian Plan October 2018 as a pedestrian and bike route. Although a full stop light was not recommended in the Signal Warrant Analysis of 2017, and ACHD did not recommend a pedestrian crossing in their staff report they did say they would continue to monitor the area. With the improvements to nearby Molenaar Park which will likely draw more people as well as the proposed Music and the recently built Diamante Subdivision, SWACA feels that a mid-mile crossing is necessary at this time. Other improvements asked of ACHD were a painted crosswalk across Mitchell at Victory to match the north side of the intersection and a painted crosswalk with signage at Roan Meadows and Mitchell, as well as traffic calming strategies to Mitchell.

In conclusion we do not believe the PUD application satisfies all of the Boise City Code standards and criteria for approval and we request the City Council modify the decision of approval. SWACA and the neighbors have testified that we are not opposed to this land being developed however we feel that more can be done to address neighborhood concerns and bring the development more in line with the Comprehensive Plan.

Thank you,

Marisa Keith
President
Southwest Ada County Alliance Neighborhood Association

*Reviewed and approved by the SWACA board on 7/1/2020.
Via electronic mail (kholmes@cityofboise.org)

July 9, 2020

Boise City Council
c/o Kevin Holmes, Associate Subdivision/Current Planner
150 N. Capitol Blvd.
Boise, Idaho 83702

Re: Music Subdivision (9933 Victory Road)
Response to Appeal of File No. PUD20-00013

Dear City Council Members:

This firm represents Southpoint, LLC, the applicant for the proposed Music Subdivision (the “Subdivision”). On June 8, 2020, this matter was heard by the Planning and Zoning Commission (the “Commission”), which recommended approval of our client’s annexation, rezone, and preliminary plat requests. The Commission also approved our request for a conditional use permit for a planned unit development (“PUD”).

The PUD approval has since been appealed by the Southwest Ada County Alliance (“SWACA”). This letter is our response to the memorandum filed by SWACA on July 1, 2020.

Executive Summary

SWACA has argued that the Commission erred in its approval, claiming that the PUD should not have been approved because (1) it is incompatible to other uses in the general neighborhood, (2) will adversely affect other property in the vicinity, and (3) does not comply with Blueprint Boise.

Each of these claims are false and not supported by the evidence considered by the Commission. The PUD was chosen in order to allow for preservation of common open space in the form of a central pond and trail area. As was shown at the hearing before the Commission and further described below:

- The PUD is very much compatible with other uses in the general neighborhood. The project is located at the transition between the “Large Lot” and “Suburban” Comprehensive Plan land use areas. It is located on a major transportation corridor (Victory Road), and the lot sizes are similar to those in the area and appropriately transitioned. The PUD allows for imaginative preservation of open space and common area amenities that honor the history of this property.
• There is no adverse effect on other property in the vicinity as a result of the PUD. The PUD does not have any impact at all on the flooding issues identified by SWACA, which occur off-site. Even if there were an issue on this property, any and all grading and drainage issues will be addressed in connection with detailed engineering and grading associated with a final plat—standard operating procedure for the City.

• And, finally, the PUD is in compliance with Blueprint Boise. While PUDs affect lot dimensions, the modifications must be within the density limits of the district. The density proposed is squarely within the R-1B designation, which is explicitly permitted in the “Large Lot” land use area. And the clustering permitted by the PUD allows for preservation of the central pond area. Meanwhile, the transportation issues identified by SWACA have been considered by ACHD, which has approved the project.

Additional, detailed comments are provided below.

As the Council reviews this appeal, it is important to remember the standard of review. SWACA has claimed that the decision was arbitrary and capricious and made without a rational basis. The Commission, meanwhile, considered a great deal of information that runs contrary to SWACA’s claims. The Commission is the original fact finder and quasi-judicial decision making body. While we do not believe SWACA’s claims are based in substantial evidence in the record, “[w]hen there is room for two options, action is not arbitrary and capricious when exercised honestly and upon due consideration.” Boise City Code (“BCC”) 11-03-03.9.C(2)(a). This is consistent with Idaho case law, which dictates that in reviewing land-use decisions, courts are not to substitute their judgment for that of the agency and there is a strong presumption in favor of the zoning board’s actions. See, e.g., Hawkins v. Bonneville County Bd. Of Com’rs, 151 Idaho 228, 231, 254 P.3d 1224, 1227 (2011).

The Commission considered the evidence before it, appropriately applied the applicable standards, and acted within its authority in approving the PUD. The Commission’s actions should be upheld.

Very truly yours,

T. Hethe Clark

c: Client
**Additional Discussion**

The Commission’s action in approving the PUD should be upheld. The Commission considered the evidence before it and appropriately applied the PUD standards of Boise City Code.

I.  **Application Background**

The proposed Subdivision is located on Victory Road. It is infill development with city services available along a major transportation corridor. It includes 19.6 acres and will create 67 single-family homes. One of the sellers, the Dunkley family, will remain on the property in their existing home. The Subdivision has been recommended for approval by Staff and moved through the Commission with only one dissenting vote.

The Subdivision includes a central, 36,877 square foot common area that preserves a pond and will create a walking path with seating areas and climbing boulders, as shown below:

![Diagram of Subdivision]

The pond area will include ADA-compliant walking paths and the pond will be fed year round. An interpretive plaque honoring the past of this property will be included in the pathway area.

II.  **PUD Background**

As the Council is aware, the purpose of a PUD is to “provide an opportunity for land development that preserves natural features, allows efficient provision of services, and provides common open spaces or other amenities not found in traditional lot-by-lot development.” With a PUD, the “minimum lot size of the zoning district may be reduced within the density limits of the district.” In other words, while a PUD allows for reduced lot sizes, it also requires preservation of open space, which results in a density that remains within the allowed limits of the district.
The Subdivision includes a PUD that permits reduced lot sizes, widths, and setbacks, and helps allow for the creation of the central pond area described above. The lots transition in size from the larger lots on the south and increase in density to match those on the other side of Victory Road, as shown below:

III. SWACA Arguments

SWACA has relied on three arguments to challenge the Commission’s approval of the PUD. Each should be rejected as the Commission’s decision was firmly based on the evidence before it and appropriately applied the standards of Boise City Code.

a. Compatibility with Surrounding Uses

SWACA argues, first, that the PUD should not have been approved because, in SWACA’s view, the PUD is not compatible with other uses in the general neighborhood. Distilled down, it appears SWACA is making this argument based on incompatible densities, arguing that the lots do not meet the “density range” discussed in Blueprint Boise. (Appeal Letter, at 3).

A PUD does not allow for densities that are outside of what is permitted in the zone, and there is no discrepancy here. To be quite clear, R-1B is an explicitly permitted zone within the Large Lot designation of Blueprint Boise. The densities proposed are within the density band permitted in R-1B (up to 4.8 units per acre).
The standard to be applied by the Commission is whether “[t]he location is compatible to other uses in the general neighborhood.” (BCC 11-3-4.7.C(7)(a)). The applicant has not proposed any use allowances—only residential uses are proposed. There is, in other words, no incompatibility to be considered based solely on the type of use.

With regard to lot size, this Subdivision appropriately transitions from the older, Ada County subdivision (from the 1960s) on the south to the existing lots immediately across Victory Road. Careful steps have been taken in addition to ensure that there is an appropriate transition to the south. That includes creation of larger lots that attempt to coincide with lot lines to the south, but also includes preservation of existing trees on the southern property border, as shown below:

As illustrated above, there is also approximately 175 feet from any of the residences on the south to our southern property line. The lots are appropriately and thoughtfully transitioned.

There is no incompatibility between this PUD and any of the properties in the area.

b. There Is No Adverse Effect on Other Property

SWACA next argues that there was testimony before the Commission that there is an existing flood irrigation problem on adjoining properties and, therefore, this PUD will have an adverse effect because the PUD was approved “without a firm drainage plan.” (Appeal Letter, at 3).

This argument was debunked at hearing. The flooding occurs on adjacent properties and is not caused by the property on which the Subdivision is located. Even if that were the case, the City requires detailed grading and engineering in connection with a final plat, and any structures involving irrigation districts will be reviewed and approved by those authorities. In short, any such issues—if they existed—would be resolved in the course of that analysis. This is standard operating procedure.

To be clear, the PUD approval in particular has nothing to do with the flooding issues cited by SWACA. This is simply grasping at straws.

c. The PUD Complies with the Comprehensive Plan

SWACA next points to a scattershot of Blueprint Boise policies, claiming, in summary, that the Subdivision in general will have a negative impact on transportation facilities in the area. Again, the PUD does not allow higher densities. It allows modification of setbacks, minimum lot sizes, etc., but we are
to remain within R-1B densities, meaning the PUD itself will not create a negative impact on transportation beyond what would be created by a simple subdivision with the same density. And, meanwhile, ACHD has approved the project and has spent time addressing SWACA’s arguments, including, for example, arguments regarding sight lines and distances at the Victory and Mitchell intersections. (ACHD April 29, 2020 Action, Pages 9 and 10).

With regard to SWACA’s arguments regarding bike and pedestrian facilities, Victory Road is a built-out road segment with sidewalks on both sides of the road. SWACA has indicated that they would like to see a mid-mile pedestrian crossing to get the public up to Molenaar Park. While we are always supportive of pedestrian facilities, it should be pointed out that there is no access to the park from the west or south—only from the east on Maple Grove Road:

As a result, the only pedestrian access from this area will follow existing sidewalks along Victory Road to Maple Grove Road, where they will cross at the intersection to move north to Molenaar Park. A mid-mile crossing does not appear to be necessary based on this criteria—it certainly is not a need created as a result of this PUD.

There is, in short, no connection between this PUD and the transportation-related issues cited by SWACA (but rejected by ACHD). Accordingly, there is no basis to overturn the Commission’s approval.
IV. Conclusion

There simply is no basis to overturn the PUD approval. The fact-finder in this case—the Commission—had before it significant evidence that runs contrary to SWACA’s claims. In fact, we believe that the evidence in favor of the PUD overwhelms the evidence to the contrary, as did the Commission, which had only one dissenting vote when it approved the PUD.

Per Boise City Code, “[w]hen there is room for two options, action is not arbitrary and capricious when exercised honestly and upon due consideration.” BCC 11-03-03.9.C(2)(a). This is consistent with Idaho case law, which when reviewing land-use decisions under the precisely similar standards found in the Idaho Administrative Procedures Act (I.C. 67-5279, et seq.), where courts are not to substitute their judgment for that of the agency and there is a strong presumption in favor of the zoning board’s actions. See, e.g., Hawkins v. Bonneville County Bd. Of Com’rs, 151 Idaho 228, 231, 254 P.3d 1224, 1227 (2011).

The Commission did its job and did it well. The Commission weighed the evidence before it appropriately, and its decision approving the PUD should be upheld.
Music Estates Subdivision

Tree Assessment Report

June 1, 2020

This Arboricultural Assessment Report and tree protection specification was prepared for Laren Bailley with Devco Real Estate Development for the Music Estates Subdivision on10151 W. Victory Rd, Parcel #s1126212602,s1126212402, located in Boise, Idaho.

It is understood that this report is to form part of a Development Application for a proposed new housing development of the existing site which includes the removal of multiple trees and shrubs.

A final site investigation was undertaken June 1, 2020 to determine the existing site and adjoining trees overall health, structural integrity and identification of other physical conditions that may be present within the proposed housing development site, which may be affected by the proposed development.

Purpose

The purpose of this report is to identify the trees within the development site, provide information on their individual current health and condition, determine their remaining life expectancy and significance in the landscape and assess their suitability for retention/preservation.

This assessment takes into consideration the ecological qualities of trees and other significant vegetation on the site and its biotic, ecological, historical and visual significance.

Information contained in this report covers only the subject trees that were assessed and reflects the condition of the subject trees on site at the time of inspection.
Site location

Gulley Basketball Court

W Victory Rd

W Roam Meadows Dr

S Five Mile Rd

W Antietam St

W Geronimo St

Site location
Ariel Site Breakdown
Ariel Site Location
Aims

To detail the condition of the trees and consider the location and condition of such in relation to their surrounds.

Provide as an outcome of the assessment, the following:

- Carry out an inspection of the subject trees within the site and site conditions
- Assess the condition of the subject tree(s)
- A description of the trees on the subject site,
- Consider the benefits of retention or removal of the trees for the medium to long-term benefit of the trees and ongoing public safety, and
- Provide recommendations for Tree Management, if or as required, within the context of development application.
- Prepare site specific tree protection tree protection specifications for tree recommended for retention

Site Description and Proposed Development

The site contains a mixture of Honey Locust (Gleditsia Triacanthos), Cottonwood (Populus Deltoides), Walnut(Juglans), Deodar Cedar(Cedrus Deodara), Ash(Fraxinus Americana), Scotch Pine(Pinus Sylvestris), Ponderosa Pine(Pinus Ponderosa), Cypress(Cupressus), Sibrian Maple(Acer tataricum), Silver Maple(Acer Saccharinum), Mulberry(Morus), Poplar(Populus), Willow(Salix), Weeping Willow(Salix Babylonica), Cherry(Prunus Avium), Pie Cherry(Prunus Cerasus), Douglas-Fir(Pseudotsuga Menziesii), Quaking Aspen(Populus Tremuloides).

It is understood that this report is to form part of a Development application for a housing development for the existing site which includes the dismantlement of trees, shrubs, administration of systemic applications, and pruning of trees that are being conserved.

Methodology
The method of assessment applied to the proposed development site is adapted from the principles developed by the International Society of Arbor Culture (ISA). This recognized form of assessment considers the trees health/condition and subsequent stability, both in the short term and long term at the time of the assessment.

The retention was based on the subject tree’s remaining life expectancy range and landscape significance for the perimeters of the trees. The retention value was modified where necessary to take in consideration the subjects tree health, structure, and site suitability.

Landscape significance was determined by assessing the combination of the cultural, environmental, and aesthetic values of the subject trees. Whilst these values are subjective a rating of high, moderate, low or insignificant has been allocated to the trees. This provides a relative value of trees landscape significance which may aid in determining their retention value.

**Visual Tree Assessment**

This inspection was limited to a visual examination of the subject trees from ground level. The assessment process is used to determine the sustainability of each tree in the landscape. The assessment of each tree was made using Visual Tree Assessment (VTA). All trees were assessed from the ground without dissection, probing or coring. No wood tissue testing was undertaken as part of this assessment. Destructive, resistance testing or aerial inspections have not been undertaken as part of the assessment. The health of the trees was determined by assessing the following:

- Foliage size and color
- Pest and disease infestation noted
- Extension growth
- Canopy density and form
- Percentage of deadwood observed
- Visual evidence of structural defects or instability
- Evidence of previous pruning or physical damage
- Suitability of the tree to the site and its existing location; in consideration of damage or potential damage to services or structures, available space for future development

**Trees on adjoining land**
In accordance to Council’s requirement’s, all trees within the site and those species adjoining the development have been assessed as part of this report. There are no additional trees on adjoining properties that will be affected by this development.

**Impact Assessment**

- Structural Root Zones (SRZ)
- Optimum Tree Protection Zones (TPZ) and Structural Root Zones (SRZ)
- SULE Rating for the value of the trees assessed
- Recommendations for retention, management, and removal

Changing the drainage patterns around a tree by constructing a building, driveways, road, paths, etc. that will alter the amount of water the trees receive and may cause root death or damage. Trenches dug beside or adjoining large trees for water, sewer, or services may also damage the roots and will make a tree unsustainable. Older trees will tolerate far less stress than younger trees as with age they become less responsive and find it very strenuous to respond to changes in their environment. The components of tree risk assessment include the trees failure potential or in the case of land clearing/management, an environment conductive to tree failure. Other factors are also considered related to the site, such as potential development or land use, soil condition and prevailing winds must be considered in conjunction when assessing the potential or failure of any tree.

**Pruning/Removal Standards**

- Any pruning recommendation in this report is to be the International Society of Arbor Culture (ISA) and the American National Standard of Arboricultural Operations.
- All pruning or removal works are to be in accordance with the appropriate Tree Management Policy where applicable, or Tree Management Order (TMO), and Tree Preservation Order(TPO) and applicable consent conditions.
- The actual spread of the root system is largely dependent on the particular species involved, and their localized environment. Any work carried out within the TPZ should be reviewed and supervised by an appropriately qualified Arborist.
- Construction works proposed to be undertaken around the trees if not correctly assessed may modify the natural water table and reduce the amount of soil air and moisture present/available to the trees and their longevity may be greatly diminished.
- If under the course of construction, the tree roots are damaged or adversely affected, their demise will cause drought stress; poor uptake of water and nutrients, slower dispersal of gums and resins and could, in the long term, have an effect on the movement of certain compounds which make up the structure of the tree.

**Tree Protection Zone**
A Tree Protection Zone (TPZ) is a radical distance measured from the center of the trunk of the tree. Intention of the TPZ is to minimize incursions to the root system and canopy to ensure the long term health and stability of the tree.

A commonly used delineation for the TPZ is the drip-line (extent of the crown spread projected to the ground plane). However, this may not provide adequate protection for the trees that have prominent leans or distorted imbalanced or narrow crowns. A more appropriate guideline is the trunk diameter.

The above criteria also consider the following elements:

- The trunk diameter
- The sensitivity/tolerance of the species to construction impacts
- The level of maturity
- The health, vigor and structural integrity of the tree
- The trees root and crown formation

Definition of Assessed Health and Condition of Tree

**Good**, the tree is generally healthy, vigorous, and free from the presence of major disease, obvious structural weakness, and fungal or insect infestation and is expected to continue to live in the same condition as at the time of the inspection. Only small recommendations may be required to help continue.

**Fair**, the tree is generally vigorous but has some indication of decline due to the early effects of disease, fungal or insect infestation, or has been affected by physical(storm damage) or is faltering due to the modification of the trees environment essential for its survival.

This tree group may recover with remedial work undertaken by Qualified Arborist where appropriate or without intervention and may regain some vigor and stabilize over time. Medium requirements are necessary to bring this tree up to satisfactory standard.

**Poor**, the tree is exhibiting symptoms of advanced and irreversible decline due to factors such as fungal infestation, termite damage, ring barking of the trees trunk due to borer infestation, major die back in branches and the foliage is thinning in the crown due to various effects, epicormic growth is present throughout the inner canopy while the tree is using up stored sugar and is in a state of stress.
**Dead,** the tree is no longer alive and is in poor structural condition, that may cause damage to people or property and removal is strongly recommended.

Below listed are several examples of good, fair, poor, dead conditioned trees.

**Condition: Fair**
Condition: Dead
Condition: Fair
Condition: Fair
Condition: Poor
Condition: Good
Condition: Poor
Condition: Dead
Condition: Dead
Condition: Fair
Condition: Poor
Condition: Dead
Condition: Dead
Condition: Dead
Condition: Poor
Condition: Good
Condition: Poor
Condition: Dead
Tree Reclamation Overview

This section of the assessment for the tree preservation is recommended for continual quarterly inspection to reassess the health of the trees. For the reason of the disturbance of the soil, physical injury to the trunk, crown, soil compaction, root destruction, smothering of roots by adding soil and the stress of the tree from the exposure to the elements. This should be implemented into the project plan for no less than one year. It is also recommended to aerate and mulch after dismantling and removal of surrounding trees. Continued Systemic Application as needed to nurture the tree during construction in the development. For the purpose of the arborist and P.H.C.P to be able to assess and identify any issues that may come from these circumstances. It is imperative to maintain good communication between the Arborist and construction project manager.

Conclusion

Based on its location to the proposed basement excavation and housing development scope of works, whilst in good health, density and structural condition it is required to be removed. All considerations, options regarding its retention was considered based on the proposed layout, access requirements, considered construction requirements within the trees present location and site modifications that would result in long term modifications to this trees natural environment through but not limited to; surface root and soil compaction to the natural water table including redirection through the required cut and fill levels that would result in the decline of the tree’s health and overall loss of stability due to anchorage root severance in the long term.

Subject to the Council process, approval is recommended for the removal of 163 Scotch Pine(Pinus Sylvestris), 41 Ponderosa Pine(Pinus Ponderosa), 11 Cottonwood(Populous Deltoides), 6 Honey Locust (Gleditsia Triacanthos), 1 Weeping Willow(Salix Bablonica), 13 Ash(Fraxinus Americana), 1 White Willow(Salix Alba), Walnut(Juglans), 19 Quaking Aspen(Populus Tremuloides), 4 Cherry(Prunus Avium), 43 Deodar Cedar(Cedras Deodara), 9 Cypress(Cupressus), 8 Walnut(Juglans), 14 Siberian Maple(Acer Taticum), 6 Mulberry(Morus), 1 Lilac(Syringa Reticulata), and 12 Poplars(Populus).

Subject to Council process, preservation is recommended for the following trees that surround the pond; 93 Sumac(Rhus), 3 Pine(Pinus Sylvestris) with the treatment of systemic applications. Preservation is recommended for the following trees along the south end near fence/property line; 88 Scotch Pine(Pinus Sylvestris), 4 Cherry(Prunus Avium), 3 Siberian Maple(Acer Taticum), 2 Mulberry(Morus), 1 Douglas-Fir(Pseudotsuga Menziesii), 5 Elm(Ulmus), 2 Honey Locust(Gleditsia Triacanthos), and 12 Ponderosa Pine(Pinus Ponderosa). Heavy pruning and systemic healthcare plan is highly recommended for tree health potential and incoming surrounding housing safety.
Trenton Baird
Owner/Operator
City of Treez LLC.
2106 N. 35th Street
Boise, ID 83703
(208) 600-2466
ISA Certified Arborist #90436820

Credentials

- Hazard Tree Analysis Certified
- Tree Assessment & Risk Management Certified
- Work-site Safety Certified
- Line Clearance Specialist Certified
- Chemical Application Certified
- Plant Health Care Practitioner Certified
- Tree Climbing Specialist Certified
- Rigging Specialist Certified
<table>
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<tr>
<th>Name</th>
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<th>Address</th>
<th>City</th>
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<tbody>
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<td>Boise</td>
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<tr>
<td>Abby Losinski</td>
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<td>9665 W Roan Meadows</td>
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June 10, 2020

Laren Bailey
Southpoint, LLC
PO Box 6385
Boise, ID 83707
southpointoverland@gmail.com

Re: CAR20-00005, PUD20-00013 & SUB20-00009 / 9933 & 10151 W Victory Rd

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for an annexation of 19.6 acres located with R-1B (Single Family Residential) zoning, and a conditional use permit for a planned residential development comprised of 67 single family homes. A preliminary plat comprised of 67 buildable lots and 6 common lots is also included.

The Boise City Planning and Zoning Commission, at their hearing of June 8, 2020, approved your conditional use request, based on compliance with the attached Reason for the Decision and Conditions of Approval.

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

1. This conditional use approval will not take effect until after the appeal period has lapsed.

2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the issuance of this decision. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at: http://pds.cityofboise.org/.

3. All appeals of this conditional use permit must be filed by 5:00 P.M., on June 18, 2020.

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

This letter constitutes your Conditional Use Permit.
On June 8, 2020, the Boise City Planning & Zoning Commission recommended approval of the annexation and preliminary plat requests to the Boise City Council based on the attached Reason for the Decision and the Conditions of Approval listed below.

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

Unless otherwise specified, all conditions shall be completed prior to signing of the Final Plat by the Boise City Engineer.

Questions can be directed to me at (208) 608-7074 or kholmes@cityofboise.org.

Sincerely,

Kevin Holmes
Associate Planner, Current Planning and Subdivisions
Boise City Planning and Development Services

KH/mh
cc: Mark Dunkley / 10151 W Victory Rd / southpointoverland@gmail.com
    Tanya Cluff / South West Ada County Alliance / tcluff@outlook.com
Reason for the Decision

Annexation
As further detailed in the project report, the annexation complies with the requirements of the Development Code, B.C.C. Section 11-03-04.15, as the property abuts Boise City limits to the north and east and is located within the Boise Area of City Impact and Sewer Planning Area. Comments provided by public agencies confirm that services are available to the site and will have a minimal impact on cost of services as the property is adjacent to land already within City limits. While the property is currently zoned RSW (Southwest Community Residential) within Ada County, the R-1B zone is appropriate for the site as it is designated as “Large Lot” on the Comprehensive Plan Land Use Map.

Planned Unit Development
The residential planned unit development, as conditioned, is consistent with the approval criteria of B.C.C. Section 11-03-04.07 (Planned Unit Development) and Section 11-07-06.05 (Planned Unit Development Standards). The development will be compatible with surrounding uses as residential subdivisions of similar densities are adjacent to the site to the north. An appropriate decrease in density and larger lot dimensional standards are provided along subdivision boundaries to adequately transition to the existing larger lots surrounding the property. The site is large enough to accommodate the development without adversely impacting other properties in the vicinity, and comments received from public agencies confirm the use will not place an undue burden on the transportation system or other services in the vicinity. The development is supported by the Comprehensive Plan as it lists detached single-family homes as the primary use for land designated as “Large Lot” on the Land Use Map. With the recommended conditions of approval, the roadway and pedestrian layout meets numerous Comprehensive Plan goals and policies related to connectivity within new developments (Goal CC7.1, Goal CC7.2, Principle GDP-N.1, Principle GDP-N.5, Principle SW-CCN 2.7, and Principle SW-C 1.4) and, the amenities provided meet Blueprint Boise goals related to preserving existing natural features which are accessible by all (Principle GDP-N.2 and Principle GDP-N.8).

Conditions of Approval

Site Specific

1. Compliance with the plans and specifications submitted to and on file in the Planning and Development Services Department date received February 28, 2020, and revised narrative, landscape plan, and preliminary plat submitted March 19, 2020, except as expressly modified by the following conditions:

2. The existing accesses off Victory Road shall be removed, and new curb, gutter, and sidewalk shall be installed in the previous driveway approaches.

3. The accessory structures shall be removed or relocated to comply with setbacks prior to issuance of building permits.
4. A tree mitigation plan shall be submitted for approval prior to the issuance of any grading permits.

5. For Lots 27, 35-47, Block 1, homes built utilizing interior side setbacks of less than 10 feet shall be limited to one-story in height.

6. The pond located in Lot 7, Block 2 shall contain water year-round and a circulation system shall be installed to prevent the stagnation of water.

7. Any irrigation or pump equipment located on Lot 7, Block 2 shall be enclosed and screened by landscaping.

8. The pathway located on Lot 7, Block 2 shall encircle the pond and be built to ADA accessibility standards. A minimum of 8 feet of clearance to the pond or any residential property lines shall exist on either side of the pathway.

9. The pedestrian connection on Lots 3 & 4, Block 1 shall be built using a different paving material from the common drive to clearly designate its intended use.

10. Existing trees located within 20 feet of the southern property line shall be retained.

11. The Idaho State Historical Society shall be allowed a minimum one-month time period to thoroughly document for historical purposes the two existing homes at 9933 W Victory Road prior to demolition.

**Agency Requirements**

12. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos and correspondence:

   a. Ada County Highway District (April 29, 2020);
   b. Nampa & Meridian Irrigation District (April 16, 2020);
   c. Boise Project Board of Control (March 9, 2020); and
   d. Central District Health Department (March 11, 2020).

13. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:

   a. Sewer & Irrigation (March 2, 2020);
   b. Solid Waste (March 9, 2020);
   c. Street Lights (March 3, 2020); and
   d. Drainage (March 2, 2020).
Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

14. The applicant shall comply with all requirements of the Boise City Building Department comments received March 6, 2020.

15. The applicant shall comply with all requirements of the Boise Fire Department comments received April 17, 2020. Any deviation from this plan is subject to Fire Department approval. For additional information, contact 208-570-6500.

16. Compliance with the requirements of the Nampa and Meridian Irrigation District, as described in their April 16, 2020 correspondence is required. If significant changes to the layout of the project are necessary, a modification to this permit could be required.

Subdivision:

17. The following notes shall be placed on the face of the Final Plat stating:

   a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD20-00013 and SUB20-00009.

   b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD20-00013, at the time of issuance of individual building permits.

   c. This development is subject to the Covenants, Conditions, and Restrictions (CC&R’s) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.

   d. The pedestrian pathway and common driveway easements shall be dedicated to the public for pedestrian use and access.

   e. Direct lot access to Victory Road and Mitchell Street is prohibited.

18. The Mylar shall include the following endorsements or certifications (I.C. Title 50, Chapter 13). These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
e. Certificate of the Boise City Engineer,
f. Certificate of the Boise City Clerk,
g. Certificate of the Ada County Surveyor, and
h. Signature of the Ada County Treasurer.

19. The name, **Music Estates Subdivision**, shall be reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Engineer, the new name to the Planning and Development Services Department and re-approval by the Council of the "Revised" Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "Revised" Final Plat for public hearing.

20. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (B.C.C. 11-09-03.4E).

21. A letter of acceptance for water service from the utility providing same is required (B.C.C. 11-09-04.3).

22. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).

23. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

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

24. A letter from the appropriate school district is required stating, "The Developer has made arrangements to comply with all requirements of the School District."

25. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

   a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied,
   
   OR

   b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.
NOTE: “No Parking” signs shall be installed in accordance with the requirements of the International Fire Code (BCC 7-0-32, IFC 503.8). Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

26. Covenants, homeowners’ association by-laws or other similar deed restrictions, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces, shall be reviewed and approved by the Boise City Attorney. After recordation of the Final Plat and CC&R’s, no building permit shall be accepted until a copy of the recorded CC&R’s has been submitted to the Boise City Attorney. The CC&R’s shall include the following:

   a. Perimeter fencing shall be maintained by the Homeowners Association.

   b. Landscaping on Lots 20, 30, & 50, Block 1 and Lots 1, 7, & 13, Block 2 shall be maintained by the Homeowners Association.

27. Prior to the City Engineer’s Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of the Boise City Code, is to be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

28. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

29. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:

   a. Signatures of owners or dedicators,

   b. Certificate of the Surveyor,

   c. Certificate of the Central District Health Department,

   d. Acceptance of the Commissioners of the Ada County Highway District.

30. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.

   a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.
b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.

c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.

31. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a “Satisfaction of Non-Building Agreement” is recorded.

32. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City. Contact Erosion Control at 208-608-7100 for more information.

**Standard Conditions of Approval**

33. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

34. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

35. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

36. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

37. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
38. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

39. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

40. Utility services shall be installed underground.

41. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

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

43. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

44. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.

45. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
46. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.

47. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

48. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

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

IN RE:

CAR20-00005 / SOUTHPOINT, LLC

and

PUD20-00013 / SOUTHPOINT, LLC

and

SUB20-00009 / MUSIC SUBDIVISION

9933 & 10151 West Victory Road

________________________________________

TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, JUNE 8, 2020

COMMISSIONERS PRESENT:

MEREDITH STEAD, CHAIR

BOB SCHAFER, CO-CHAIR

ASHLEY FORD-SQUYRES

CHRISTOPHER BLANCHARD

JENNIFER MOHR

JENNIFER STEVENS

MILT GILLESPIE

JIM BRATNOBER

TRANSCRIBED BY:

VICTORIA HILLES
INTRODUCTION

CHAIRMAN STEAD: Okay. So we are moving on to Item No. 4. This is CAR20-5 and PUD20-13, Southpoint, LLC, at 9933 and 10151 West Victory Road.

First we will hear from staff. So the floor is yours, Mr. Holmes, and lovely to see you in person.

KEVIN HOLMES: Yes. It's not pulling up.

All right. Thank you, Madam Chair, Members of the Commission.

Before you is a request for the annexation of 19.6 acres located at 9933 and 10151 West Victory Road with an R-1B single-family, residential zoning; a conditional-use permit for an 18.5-acre planned residential development comprised of 67 single-family homes; and a preliminary plat comprised of 67 buildable lots and 6 common lots is included. The property shown here in red is located on the southwest corner of the intersection of Victory Road and Mitchell Street in Southwest Boise.

The property is located within the Boise City Area of Impact and has a Large Lot Land Use designation. Across Victory Road to the north lies
neighborhoods zoned R-1B, and to the east is a smaller neighborhood with an R-1A zoning designation. Properties to the south and west remain within Ada County with a Southwest Community Residential zoning. All surrounding properties consist of a -- of single-family, residential neighborhoods of varying levels of density. As you can see here, lots to the north generally are in the 7,000 to 10,000 square foot range. To the west are half-acre lots which then increase in size as you leave areas annexed into the city to the south and east, where properties generally are around an acre. There are two existing homes identified here in orange which are proposed to be demolished, while the existing home in the southwest corner is proposed to remain and be incorporated into the new development.

The proposed subdivision is accessed off Mitchell Street with pedestrian and emergency connections out to Victory Road and has a density of 3.61 units per acre, below the 4.8 units per acre allowed in the R-1B zone. As you can see on the plat here, smaller lots are proposed along Victory Road and generally increase in size towards the south and west.

This table here at the bottom shows the Dimensional Standards associated with the requested
R-1B zoning and then what the Applicant is proposing with their PUD application. As you can see, minimum lot areas and widths, as well as interior and rear setbacks are all requested to be reduced. The 14 homes along the southern boundary, shown here highlighted in blue, are all requested -- excuse me -- are proposed to retain the typical Dimensional Standards of the R-1B zone, except for reduced interior side setbacks of 15 feet.

Okay. The planning team is generally supportive of these overall reductions with one recommended condition of approval to limit any homes built on the 14 southern lots to a single-story if they do utilize less than the 10-foot interior side setbacks typical of the R-1B zone. This would retain building patterns more consistent with the Large Lot Land Use designation, as well as to provide an appropriate transition to the neighborhood to the south.

The primary amenity provided to the subdivision, besides drought-tolerant plantings, is this central common lot, which is just a bit less than an acre in size and situated around an existing, open pond. Proposed improvements include a gravel walking path, seating areas, and a boulder play area. This
amenity does a good job in preserving existing, natural features and provides for a shared, open space for residents, both items which are called for in the Large Lot Land Use designation.

We do recommend that, to improve and increase the usability of this amenity, a couple modifications be made. These include reconfiguring the layout of the lot to include an ADA-accessible walking path on both the east and west sides of the pond to create a walkable loop for residents, potentially along lines of which shown here in red. It is recommended that this path will be buffered on either side by a minimum of 8 feet of clearance between the pond and any property lines to allow for the planting of additional trees or preferably the retention of existing trees.

So speaking of trees, as you can see in this aerial, the property does have a significant number of mature trees on it. While no Tree Mitigation Plan has been submitted, the Applicant has provided a breakdown of how many trees they anticipate removing with this development, as well as how many new trees will be planted.

So first I'd like to point out that the Applicant has agreed to retain the trees along the
southern property line to buffer the existing homes from this new development. This is fully supported by the planning team as -- and is an included condition of approval. Another recommended condition of approval that will increase the number of new trees is detaching the internal sidewalks within the development. This should add an estimated 70 or so new trees, as well as having the added benefit of increased pedestrian safety.

As detailed in the project report, the total number of trees is proposed to increase over the number of existing trees now on the property. So to verify these numbers, a recommended condition of approval includes the submittal of a Tree Mitigation Plan for review and approval prior to the issuance of any grading permits. You notice this condition was inadvertently left out of the project report. So if you agree that it is appropriate here, you will have to include it in any motion this evening.

The planning team has received a significant number of comments on this project since it was originally submitted in February. In general, these comments focused on the density of the development, impacts to local roadways, and effects to the irrigation and drainage facilities on the site, as
well as the preservation of rural, open space and the
two potentially historic buildings. These items were
all included in your project packet and late
correspondence, and I'm sure you'll hear about them
more in depth from those in attendance this evening.

In conclusion, as detailed in the project
report and highlighted in this presentation, the
planning team finds the Applicant's proposal to be
consistent with the standards of approval, including
the Development Code, Blueprint Boise, and
requirements of all reviewing agencies and
departments. As such, the planning team recommends
approval of the applications with conditions.

For your reference here, I've included
that recommended condition related to the tree
mitigation as well.

For PUDs, the Commission is the
decision-making body, and for annexations and
subdivision, it is the recommending body to City
Council.

Thank you, and I'll stand for any
questions.

CHAIRMAN STEAD: Thank you, Mr. Holmes.

Next we'll move on to the Applicant. If
we can first have the Applicant virtually raise their
hand.

Oh. We have got you all queued up. Hi again, Mr. Clark.

HETHE CLARK: Hi.

CHAIRMAN STEAD: Please go ahead, and we'll start with ten minutes.

HETHE CLARK: Hi, everybody. I hope you missed me over the last ten minutes.

So Hethe Clark, 251 East Front Street, representing the Applicant and the Conger Group.

I'm going to turn on the screen share here and walk through our project. So has everyone got the screen up?

Great. Thank you.

CHAIRMAN STEAD: Yes. Thank you.

HETHE CLARK: So we're here tonight to talk about the proposed Music community, which we would like to develop on 20 acres located at Victory Road and Mitchell. The community will include 67 residential units for a density of 3.61 units per acre.

While all required connectivity is provided, there are no stubs to this property, and that's something that will come up again later as we continue this conversation. That means that there are
no through roads. It largely functions independently.

Another item that I want to point out and that we'll come back to through the course of the project or the discussion tonight is the pond in the center area of the project that Kevin described to you.

I want to talk about a couple of highlights and then circle back on some items that have been raised by members of the public. So first we'll talk about some of the design themes. This is very much not a cookie-cutter-type subdivision. There's been a lot of thought put into that through the course of conversations with the seller, which includes the Dunkley family, and as you can imagine, that's where the name of the project comes from. In addition we've talked about -- I'll talk about some of the amenities, talk about the transition that's been proposed here, and then we'll talk about the trees as Kevin mentioned.

So first let's look at the theme of the project. The project will have a distinct look to it. One of our sellers -- again, the Dunkleys -- will be residing here and will be remaining in their own -- in their existing home, so there's a lot of thought that's been put into what this neighborhood's going to
look like while they continue to live there. We identified with them what they would like to see -- and that is a condition of our sale -- is a requirement that the product have this modern, farmhouse-type of look. One thing I'll point out, and this was an error in the application materials: There is no three-story product that's proposed. It is only two-story product. But this gives you an idea of what the project will look like through its development. 

Next, with regard to community amenities, we do have 12.9 percent landscaped open space. Common areas are going to use drought-tolerant plantings and water-conserving sprinkler design. The type of sprinkler design that we use will result in 30 to 40 percent less water use. A major element of the project is the retention of the existing pond. We are in agreement with staff's condition, with regard to the pond, and we will add the pathway on the west side as staff has indicated. And then finally we do have a shade structure that will be included, as well as climbing boulders. So nice amenities for the future residents.

Now, this is infill development. And with infill, there are always challenges. In this case, we're dealing with older subdivisions on the south,
more recent subdivisions on the north, and a location that's on the edge of two Comprehensive Plan designations: Large Lot and Suburban.

So as Kevin mentioned, we do -- we did try to lay out our largest lots on the south side of the project with the goal of aligning the lot lines. And then we increased the density to the north as you reach up to the Victory minor arterial and the boundary of the Large Lot and Suburban Comprehensive Plan designations.

The choice of zoning R-1B is part of that overall transition plan. As staff has mentioned, R-1B is a permitted zone within the Large Lot designation. It also matches the zoning designation to the property immediately to the north. We're, again, talking about property, also, that is on a significant transportation corridor. So we think that the choice of an R-1B designation and the density which is within R-1B is appropriate.

I do want to continue this transition discussion with some talk about the southern boundary. We've given that a great deal of thought. That southern boundary has a subdivision that's from the late 1960s. We are not subject to the CC&Rs for that project that restricts the lot sizes there.
This picture helps illustrate a couple of things: One, those houses are about 175 feet from our southern boundary; in addition, several of those homes are two-story. The zoning back there is RSW, which means they have a 25-foot rear setback. Ours is larger with a 30-foot rear setback.

As Kevin mentioned, in order to make that transition continue to work, we are proposing to keep this line of trees in place. So we think we've done a pretty admirable job of trying to transition from this County RSW subdivision into this City of Boise subdivision that meets the City's goals.

With regard to trees, we have engaged an arborist to review the trees based on what we've seen so far. We expect to be able to maintain more than 200 of the existing trees. As was mentioned, the trees on the southern boundary are also intended to remain, and that's also true of the trees around the pond where it's possible. In addition to that -- as you know, life -- trees have a definite lifespan. In order to bring in the new generation as it were, we will be planting our -- a number of new trees. The staff report cited a number of 297. That does not include new tree plantings in the backyards. That is only -- that only includes trees within the front
yards and in common areas.

So let's talk about some of the concerns in the neighbor testimony. I -- what we saw was a lot of conversation about density, and I think I've tried to address that already with regard to the discussions about transition. The other items that we saw were concerns about transportation and traffic and conversation about retaining or documenting some of the existing homes.

So with regard to traffic, ACHD has reviewed and approved this project. They looked at some of the neighbor concerns, and for example, determined that there was no signal warrant at Victory Road and Mitchell Street. And I also point out that the Applicant did not request and was not granted an approach onto Victory Road, the minor arterial. The only access which is appropriate is at Mitchell. In addition, the Applicant's required -- agreed to the required mitigation, including dedication of right-of-way along Victory and the addition of a left-turn lane from Mitchell Street to Victory Road.

So we believe that the traffic concerns have been addressed per the ACHD report.

With regard to the existing homes on the site, we are working with both sellers regarding
existing homes, so the Dunkley home is going to remain. The family's going to stay there, too.

With regard to the other homes, what we're talking about is the two structures that are up closer to Victory Road. Those homes are unique, but they're not historic, and we're unable to retain them for sale to third parties. The reasoning for that is that they are not built to current energy or electrical codes and there are structural deficiencies in those buildings.

With that said, the story of those buildings is important, and we're taking steps to honor that. The seller of that property continues to have ties to the family that built those homes, and we have an agreement with the seller to work on an interpretive plaque to be developed on the pond pathway to hopefully honor some of that. And then in addition, we are in agreement with the staff's condition to allow the Idaho State Historical Preservation -- or Idaho State Historical Society to come in and to document the buildings.

So with that, I'll wrap up.

There is one item that we would like the Planning and Zoning Commission to review in connection with the proposed staff conditions. As I mentioned
early on, this is an infill project. It does not have stubs from neighboring properties. We've provided all the connectivity that we can, and we meet the City's connectivity standards on that front, but to be clear, this is not a through situation. The only traffic coming into this project is going to be residents. We wouldn't ask this in a through situation, but in this case, we think that 5-feet, attached sidewalks are appropriate. It permits the homeowners to have larger rear yards, in other words, it -- requiring detached doesn't, in our view, have a real safety impact, and it comes at the cost of taking away what could be an additional 8 feet in each family's backyard.

So with that, I'd be happy to stand for questions. We do request approval with the single change to Condition 4, and happy to answer any questions.

CHAIRMAN STEAD: Thank you, Mr. Clark.

NEIGHBORHOOD ASSOCIATION

CHAIRMAN STEAD: Before we go to questions from the Commission, we'll hear from the neighborhood association. In this case that's the SWACA.

Please start with your name and address, and we'll start with ten minutes.

MARISA KEITH: My name is Marisa Keith. I'm the
president of the Southwest Ada County Alliance Neighborhood Association, and I'm at 3279 South Cloverdale Road in Boise. Madam Chair, Commissioners, thank you for serving on this committee and being here tonight.

SWACA would first like to have on record that we object to this meeting format where not everyone has an opportunity to come to City hall in person and be present at the hearing. If not able to participate on Zoom, some people have been restricted to written comment only if they are concerned with venturing down to City Hall for health reasons during this pandemic.

So SWACA is requesting the following should this development be approved: We would like the zoning to be R-1A with minimum lot sizes of 20,000 square feet. This area is designated as a Large Lot on the Future Land Use Map. According to Blueprint Boise, Large Lot should feature homes on lots ranging from a half to one acre in size, typically one or two units per acre. At the very least, the majority of lots in this development should have a fourth of an acre or 10,890 square feet to comply with the Southwest Comprehensive Plan 1.7, which discusses transition to quarter-acre lots abutting existing
Large Lot developments.

Southwest Boise has thousands of small lots that have been approved and not yet built. This developer has at least 83 of these small lots already approved within a few miles of here. A few newer subdivisions provide transitional lot sizes and fewer, still, offer large lots, which is a desired feature for many people. SWACA maintains that larger lot sizes will be more compatible with the surrounding neighborhoods than will this current plat.

The trees, we would like the -- to preserve as many existing trees as possible, as stated on page 38 of the Southwest Community Comprehensive Plan. Removing almost all of these trees will significantly impact the tree canopy in Southwest Boise, it will destroy bird and wildlife habitat, reduce shade, increase temperature, and remove soil stabilization providing -- provided by root systems.

Although the developer has agreed to plant two trees per lot, most of the 150 or so mature trees are to be removed, and they should be replaced with trees of substantial size. A lot of HOAs in the area require at least 3-inch-caliper trees in their common areas.

Additionally, the staff states that the
trees along the south property line will not be removed by the developer. However, there needs to be some sort of protection so that the new homeowners will not remove those trees once they move into the new homes. The condition needs to have -- needs to transfer to the new homeowners somehow and it needs to be enforceable.

The laterals, NAs in other areas of Boise have spent a lot of time in public hearings speaking about the importance of keeping laterals daylighted. Boise is spending time and money to open up waterways that were buried long ago. Laterals create microclimates for living things, watering holes for wildlife, preserve the agricultural history of the area, and maintain the rural characteristics of Southwest Boise, which is discussed in depth in Blueprint Boise. SWACA requests that the laterals remain open.

As for the historic houses, the two houses currently at 9933 are unique and historic to Southwest Boise. Obviously not as old as houses in other parts of town, but Southwest Boise has seen a lot of erasing of our history over the last few years with the demolition of barns, original farmhouses, tiling of laterals, and bulldozing of farmlands. Southwest
Boise will never see the level of historic significance, at least in age, as other parts of town if we continue to allow our unique, original properties to be torn down at the current rate.

These two houses were built by twin sisters, Eileen Schrier and Elaine Allen, with architect brothers Art, Noel, and Lyle Cook. They were built using locally sourced building materials, some of which the sisters collected themselves. I included several articles about that in the letter that SWACA provided.

These houses do not enjoy any historical preservation since they are not in historical district. However, that doesn't mean that something cannot be done to protect and preserve them and incorporate them into the current development, particularly with the question of annexation and rezone.

The current owner has expressed to SWACA that saving the houses would financially impact how much money he could make off the land sale. SWACA was told by another neighbor that he would rather see the houses burn to the ground before they were -- they stay.

A few developers that have built
subdivisions in SWACA have kept the original houses, 

designed new subdivisions around them, fixed them up, 

refurbished them, added on if needed, and sold them. 

It can be done if there is a will and there's a desire 
to do it. I put examples of those farmhouses in our 
letter also. 

Boise City Council has set a precedent of 
protecting housings that are not within historic 
districts when they passed an emergency ordinance in 
the summer of 2018 to prevent the demolition of a 
house on the corner of Main and 2nd. We are asking 
for the same consideration for the history of 
Southwest Boise. 

The remainder of my time I am going to 
give to my board member, Jill Longhurst. 

JILL LONGHURST: Thank you, Committee. I 

appreciate your time and I appreciate your willingness 
to consider our concerns about this. We all recognize 
that Boise has some unique character. We hear about 
the Foothills, we hear about Hyde Park, we hear about 
the Greenbelt, but those of us who live in Southwest 
Boise consider that our own little gem, and we don't 
talk about it because we like it the way it is. There 
is a beautiful part of this community that is unique. 

It is agricultural in nature, and those of us who live
there treasure that unique aspect of it.

Before I go any further, though, as a matter of housekeeping, I heard the developer say that he'd made a mistake in the application and he is now withdrawing his language about having three-story homes, and I wanted to make sure that the record was clear on that, that he is, in fact, withdrawing that request for three-story homes that was in the application.

CHAIRMAN STEAD: We can't answer questions at this time, but please put it on the record --

JILL LONGHURST: [Unintelligible] --

CHAIRMAN STEAD: -- and hopefully it'll be addressed later on.

JILL LONGHURST: -- for the record. Because that would be a shame for him to make that representation to you now and then come back later and say it was in my original application. I think that the homeowners there would take a lot of comfort in knowing that was actually made.

We have a brief PowerPoint that I'd like to talk about. Do you know how to start it as a PowerPoint?

Can I assist, Mr. Holmes, for just a -- there you go.
Can you give it a click.

So this started out with when we started as a neighborhood group meeting and talking about our concerns about this.

Can you [unintelligible] more.

And we were talking about what their actual requests were and --

Mr. Holmes, I'm sorry. You're going to have to click a little faster through this. This part was originally set up for me to talk through it.

And again, we are concerned about the public hearing on this. They're looking for, basically, a planned community --

CHAIRMAN STEAD: [Unintelligible] be on the mic.

JILL LONGHURST: Sorry,

-- planned community variances, they wanted a change in zoning, and they wanted annexation to Boise from what is, at this point, an Ada County property with a significant number of homes for the property.

To start with, I am concerned about the public hearing. Mr. Dunkley, who obviously has an interest in being here, as well as myself, as a board member, were both here and we walked around the entirety of the building trying to find our way in.
If these two people who have a concerned and very focused interest in being here today couldn't find their way in until a period of time had passed -- concerns me that other people who have an interest can't also be here and make record as public -- to a public hearing and open meeting format.

There is a provision within the Boise City Code that would allow you, without further notice, to continue this, and I'm asking the Court -- excuse me, the Committee to do this at this time so that people who do have an interest -- and we know that there are a lot of people who have concerns. We have a very large petition that has been signed -- have an opportunity to be heard on this, and they don't have to worry about their health risks or technology that they don't have access to or the ability to handle, and so I'm asking the Court -- or the Committee to consider that as well.

Here is the other part that I'd like you to actually take a specific consideration of: You are a quasi-judicial entity, as I understand that having practiced law for 30 years. This means you can make factual findings. I looked through the Boise City Code, and I found that they have already made factual findings on behalf of the City of Boise regarding
mature trees, and I cited these just because it's easy reference for you.

Okay. Next.

They talked about "establishing and maintaining the maximum amount of canopy coverage provided by trees for their functions as identified," as part of this. And part of this that I thought was really relevant is that, the development practice, we're to "encourage site and utility planning, building and development practices to prevent indiscriminate removal or destruction of trees, and avoid unnecessary disturbance to trees within the city and its area of impact."

Next.

This Comprehensive Plan is to "implement the goals and objectives of the City Comprehensive Plan," relating to the trees.

And finally there were findings -- and I'm sorry that apparently I've got "A" mixed up -- aesthetic value, protection costs, property values, air and water quality, reduction of adverse impacts, and wildlife.

For example, all of us who live as I do along this the northern border of Roan Meadows, we look out over their trees all the time, including my
own very large maple tree. There are birds of prey
flying through there, we see fox, there was a wild
turkey on my front porch recently, we have peacocks
that are on the land at this time, skunk, there
are -- there is one of our neighbors looking at a
heron, a blue heron rookery issue that's concerning
this property, we have a tremendous amount of
wildlife.

The reduction of all these trees, not just
the ones along the southern border of this property,
has an impact on the entirety -- excuse me -- on the
entirety of this area here. And I think that there
has been no study and no consideration of that. And
as a member of the boards that's already -- excuse me
-- the Chairman of the board has already told you,
there is no protection for any of us. If the
developer doesn't remove them, there's no way to keep
us from doing that. For me, personally, I have
concerns about this because I know of an existing
erosion issue that is not being addressed by any of
the plans.

Right now this is the proposed development
here.

Can you -- one more. One more.

If you look here, the two green lines
there show there are irrigation lines that currently
are active. There were active as late as last
Thursday, for my own line was running. My neighbor
and I -- my property is the one with the red lines
near it. That -- our water runs uphill.

[Unintelligible] do our flood irrigation.

There is a group -- a grove of trees, as
you can see there, that were planted for soil
stabilization. It keeps the water because this is on
a grade running downhill toward the property that's
proposed. It keeps it from running away. There are a
number of these trees that are planted along laterals
and other places with very developed root systems,
developed canopies that are meant there to keep the
soil stable. I have not seen anything that is going
to tell us what exactly is going to go on when my
property lets the water go over onto their side.
There has been no identification of what the
irrigation problem is, how they're going to mitigate
that, or what the big concern is.

If you look where the red arrows
are -- sorry. I have to turn my head so I can see
that.

CHAIRMAN STEAD: Sorry. We need you on the mic
again --
JILL LONGHURST: Sorry.

CHAIRMAN STEAD: -- just so it's captured for record. And if you can throw your name and address in there, too, for the record.

JILL LONGHURST: I'm Jill Longhurst, 9900 Roan Meadows.

If you look -- my property, after flood irrigation, goes downhill. It goes onto my neighbor's property, which is on Roan Meadows. Mr. Arrien's [phonetic] property, which is part of the subject of this land, also goes to the neighbor's property and goes off to another lateral and goes down. There's already been litigation, we've attained counsel, we've had problems with this because the neighbor has modified where the lateral goes in, where the water egresses. And there has been erosion issues that have been greatly concerning to Mr. Arrien and to myself. That matter has not been addressed.

If you look to the side -- this is Google Maps. This is nothing that any one of you couldn't do -- Mr. Landon's [phonetic] property is flooding. He attributes it to several things. There has been a hydrologist study related to this. One of the suggestions is that the Diamante Subdivision, which is directly across Mitchell from here, was not properly
drained as it comes down Mitchell, and that's causing the flooding issue. I don't how this Committee could say that this is not going to create adverse property problems to all of the Roan Meadows people whom -- we already see that this is going on.

So I was looking through the requirements of Idaho code. It said the irrigation system must be approved by the City Council or by the Planning and Zoning Committee. I -- this isn't -- there are remedies if it wasn't done in time, but it doesn't say "If you feel like it." It basically said we need to have clarification and details in order for us to approve that. I haven't seen anything that allows me to make a decision or to retain somebody to make a decision on my behalf who's expert that this isn't going to cause problems for me, the way this has been proposed.

The City Code itself talks about, "All natural drainage courses shall be left undisturbed or be improved in a manner that will improve the hydraulics." I haven't seen anything other than, "We're going to take care of that." I think we, as neighbors to this property, have a right to know -- how are we going to address this? Will this actually be an improvement or is this going to be
something that's going to be, "We're going to spend as little money as possible, we're going to get this resolved, we're going to get a lot of people in these houses, and we're going to move." I think we have know -- the ability to know, and this Council can require an easement under the Boise City Code that would prevent this from becoming a future problem and allow us to retain the farmers' laterals to keep them open or whatever you need to do relating to that.

CHAIRMAN STEAD: Thank you. That's your time.

JILL LONGHURST: Okay.

CHAIRMAN STEAD: Thank you.

So now we will move on to questions from the Commission for the neighborhood, the staff, or the Applicant, please.

COMMISSIONER SQUYRES: Madam Chair.

CHAIRMAN STEAD: Commissioner Squyres.

COMMISSIONER SQUYRES: Hi. This question is for staff.

Kevin, can you talk to the irrigation issue and when that review will happen with the City so that way the neighbors have some sort of clue as to what that timing might be.

KEVIN HOLMES: Yes, Madam Chair, Commissioner Squyres.
So the irrigation requirements are reviewed under the Boise Project Border Control, and so we do have a letter that is included in the project report as a condition that they have to follow all of their requirements. And it does state that all drainage and existing irrigation facilities do have to be maintained, and if an easement needs to be put in place, it needs to be put in place. So from staff's perspective that should cover some of those concerns.

COMMISSIONER SQUYRES: Follow-up, Mr. -- follow-up, Madam Chairman.

CHAIRMAN STEAD: Yeah, Commissioner Squyres, please.

COMMISSIONER SQUYRES: So, Kevin, that would occur typically with the final plat?

KEVIN HOLMES: Madam Chair, Commissioner Squyres, yes. It would occur through both of the platting processes.

COMMISSIONER SQUYRES: Okay. Thank you.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Just a follow-up on Commissioner Squyres' question.

So would -- so obviously the grading of the site has -- is very important for the drainage and
irrigation plan. So -- this is just a procedural question: So does the City have to approve and deal with these issues before or after the issuance of a grading permit? Because how do they do it if they don't have a grading permit, I guess is my question?

KEVIN HOLMES: Madam chair, Commissioner Gillespie, it's my understanding that after the preliminary plat, the process would be approved. They would submit for grading or drainage -- or permits related to grading and drainage at that point in time, both City staff would review it, as well as irrigation facility entities.

COMMISSIONER GILLESPIE: Great. Thank you.

COMMISSIONER BRATNOBER: Madam Chair.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Another question on irrigation.

As I understand it, there is some level of approval that is needed from whoever the responsible person is, which is defined as this company, water uses association, water right holder, et cetera.

Do you know if this has been done, Kevin?

KEVIN HOLMES: Madam Chair, Commissioner Bratnober, typically these things are done after the preliminary plat has been approved. The Applicant
will then submit any plans for review to the, you
know, for example, lateral associations for the review
and approval.

COMMISSIONER BRATNOBER: So that would happen
before any planned-unit development, subdivision, and,
you know, those kinds of things happen -- or
applications happen?

KEVIN HOLMES: Correct. That would happen
before a final plat and/or any construction permits
are issued.

COMMISSIONER BRATNOBER: Okay.

Madam Chair.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: I have another set of
questions on it -- a different topic.

So as I look at the lot sizes and compare
them to the surroundings, at the north you have some
that are -- what is it -- 7 to 10,000 -- actually it's
closer to 8,000 is the minimum, as I've done some
checking on those -- and then half-acre south.

I'm trying to understand. We have an R-1B
zoning proposal, but if you look at a substantial
number of those lots, their sizes and some of the
setbacks really tend to approximate what you'd see in
an R-1C subdivision.
So I'm wondering if there's a -- I don't know -- a structural reason or something why those units have to be packed that densely, basically contrary to the surroundings, short of, "Well, we need -- we want to accommodate this many units." I'm curious as to why they're not going with something that at least comes in at the 9,000 square foot R-1B specification and the associated setbacks.

HETHE CLARK: Madam Chair, this is Hethe Clark, again, 251 East Front Street.

So the thought process there, Commissioner Bratnober, really focuses a lot on the fact that this is not in the middle of Large Lot in a sea of half-acre, one-acre lots. There are some larger lots on the south in an older subdivision, but this is a project that is truly -- it is at the intersection of the Large Lot and the Suburban densities, right along Victory Road, and the lots immediately across the street are very similar in size here. So the idea was to have a project that is infill that does try to transition away from the larger lots on the south to the arterial and the other -- the smaller lots on the north.

COMMISSIONER BRATNOBER: Thank you, Mr. Clark.

Madam Chair.
CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: But as I look at it, the proposal for many of those lots is 5,000 square feet, whereas you look to the north, I believe there are some that come in around 7,900, but most of them are above 8,000. So there's not really a match in that regard. You're going from approximately 8,000 -- 8 to 10,000 -- let's say 7 to 10,000 down to 5 and then back up to very large lots. That does not seem to jive.

Thank you.

HETHE CLARK: Madam Chair, Commissioner Bratnober, I think what you're describing north of Victory Road is essentially what we're talking about here as well. Those lots get larger as they move away from Victory Road. They get smaller as they get closer to the transportation corridors, and we're trying to accomplish the same thing.

COMMISSIONER BRATNOBER: Madam Chair.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Understood. But when I did checking on those lots, they came in pretty close to 8,000 feet, and many of them were over 8,000 feet so -- and those are the lots close to -- I -- what is it? Victory Road there. So I just want that to be
noted.

Thank you.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So just to follow up on what Jim is talking about, I guess the simplest way to phrase it for the City, just to answer Kevin, is, you know, they've asked for R-1B zoning. I think R-1B zoning is appropriate. It's a good transition match. So then the question, I think, Jim is trying to get to is, why don't we just stick to the R-1B zoning requirements for lot size for all the lots in this subdivision, which would make -- you know, which would probably reduce somewhat some of the -- it would reduce the number of lots because the lots in the very center of it are, you know, not conforming to the R-1B street frontage and -- I don't know. I don't know the dimensional standard.

But you get the point is, why don't you just stick with, "Okay. You can have all R-1B zoning for the whole property, but you have to stick to the R-1B setback and size requirements." What's the City's -- why is it in the public interest not to do that, I guess?

KEVIN HOLMES: Madam Chair, Commissioner
Gillespie, while that certainly would be within your discretion, the ability to retain some of the -- for example, the open pond feature in the middle with open space is part of the PUD request, which goes along with those reduced Dimensional Standards.

COMMISSIONER GILLESPIE: So -- for Commissioner Bratnober and everybody, so --

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Thank you.

What I think -- what Kevin is really trying to say is, in this case, the answer is the public interest is being served, and we're trading some smaller lots to preserve that pond because -- and the trees and -- you know, and whatever else. So that's the public interest weighing that's being done here. Because as I understand the law, Kevin, I mean, the Applicant would be within their rights to eliminate that pond and, you know, all the trees. They -- I mean, there's no requirement that they keep those amenities. Those amenities are there in order to compensate for having these substandard R-1B lots. If that -- that's the trade-off, Jim, that I think is being made.

HETHE CLARK: Madam Chair.

COMMISSIONER GILLESPIE: But does City agree
with that? Let me just see.

KEVIN HOLMES: Madam Chair, Commissioner Gillespie, that -- I would agree with those statements. Yes.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: Thank you. A couple of things.

   Just to -- and, Kevin, I'm going to ask you to confirm this, but just because -- even if the Commission decides to zone the whole thing R-1B and maintain the Dimensional Standards doesn't mean that the Applicant can just wholesale wipe out that pond. We still -- they still have to meet -- because they're being annexed because there's also an annexation and a rezone. And they also need to meet a set of findings for that. So I don't want us -- I mean, correct me if I'm wrong. Am I right, Kevin?

KEVIN HOLMES: Commission -- Madam Chair, Commissioner Stevens, you are correct. Yes. There are other applications that would have those --

COMMISSIONER STEVENS: Okay.

   So I just -- I don't want anybody on the Commission to think that we -- you know, we saved the pond by doing what's in front of us today or we lose the pond. I think it's not that black and white.
And then I guess, at a very basic level, I just wanted to confirm for the record, Kevin, that -- in our Comp Plan, I wanted to have you tell us what Large Lot means. I know that the neighborhood association told us from their reading of the Comp Plan, but I just wanted to confirm that, for the record, so can you tell us what Large Lot means in that designation in the Comp Plan for this property.

KEVIN HOLMES: Madam Chair, Commissioner Stevens. There's -- I thought -- you know, a whole table that goes into the standards that go along with Large Lot. I think, in the case of an annexation like this one, one of the first things that we look at is the zonings that are appropriate that go along with it, one of which is the R -- the requested R-1B zoning designation.

COMMISSIONER STEVENS: So just to clarify and confirm then, a 9,000-square-foot lot, as is defined in R-1B, does qualify under what's called "Large Lot," because it is one of the zones that's permitted in that Large Lot designation, correct?

KEVIN HOLMES: Madam Chair, Commissioner Stevens, you are correct.

COMMISSIONER STEVENS: Okay.

Madam Chair.
CHAIRMAN STEAD: Commissioner --

COMMISSIONER STEVENS: May I pursue a different line of questioning?

CHAIRMAN STEAD: Please.

COMMISSIONER STEVENS: Okay. This is also for staff.

Kevin, with regard to the sidewalks, if we do follow staff's recommendation and require detached sidewalks, won't that inherently reduce the size of the lots even further?

KEVIN HOLMES: Madam Chair, Commissioner Stevens, it does have the potential to do that, but the right-of-way width could increase. On the other hand, the sidewalks could be included within an easement along the right-of-way, as well.

COMMISSIONER STEVENS: Okay.

And, Madam Chair, I don't -- I may as well get through a few of them, since I'm on, if that's okay with you.

CHAIRMAN STEAD: Yes, please, Commissioner Stevens.

COMMISSIONER STEVENS: Okay. I wanted to ask about a couple of other things.

I just wanted to understand with regard to traffic and get this on record. Right now Victory
Road is already beyond what ACHD considers to be acceptable. Is the reason that they and the City are recommending approval of this because there is no egress onto -- ingress or egress onto Victory Road from this, since we're really only looking at Mitchell? And if so, then why does Victory show up in our table and why are we looking at that?

KEVIN HOLMES: Madam Chair, Commissioner Stevens, I don't want to speak for ACHD, but I can try to interpret what I've also read in their staff report. The Mitchell Street access is -- it's, you know, the only access that ACHD will allow. And we do look at Victory because it will be impacted. And they mentioned in their staff report, ACHD does, that Victory is already overcapacity, as you said, but it is within their policies that this would have a low enough amount of impact during the peak traffic time that they are allowed to approve it.

And now while they don't say this directly in their project report, it is worth noting that Victory is planned on being widened in the relative near future within the 2021 to 2025 timeframe, and then at that point in time, it will become a five-lane with a turn lane. So four lanes, turn lane, and bike lanes, as well. So that could have some impact into
why they feel comfortable approving this under their policies.

    COMMISSIONER STEVENS: Okay.

So totally unfair question to you, because you probably -- you may not know the answer, but is ACHD on track right now with the COVID and everything? Has anything changed in their Capital Improvement Plan? And again, totally unfair question to you, because you don't work for them, but maybe you know.

    KEVIN HOLMES: Madam Chair, Commissioner Stevens, I personally have not heard any disruptions. In fact, some of their projects have been moving forward a little bit quicker because there is less traffic to deal with as they do their work.

    COMMISSIONER STEVENS: Okay. Okay.

And then, Madam Chair, I just have one other line of questioning if -- but I'm happy to let somebody else go first if --

    CHAIRMAN STEAD: That's okay, Commissioner Stevens, go ahead.

    COMMISSIONER STEVENS: Okay.

With regard to the addition of a condition for a Tree Mitigation Plan, I was just hoping that you, Kevin, could explain what would be -- how staff would look at that and what the findings are that
would permit approval of that. So, like, when staff looks at a Tree Mitigation Plan, what are they looking at to say "Yes" or "No"?

KEVIN HOLMES: Madam Chair, Commissioner Stevens, typically when we look at a Tree Mitigation Plan, we'll look at caliper inches. And in this case, I think we know -- and there is no requirement with these applications to match caliper inches to caliper inches. In this case, we've reviewed the information that the Applicant has provided to us for the estimated amount of trees to be removed and the estimated amount of new trees, and it sounds like that equation has actually gotten better just in the time that we packaged this report and today. So from our perspective, we would look at any Tree Mitigation Plan that came through and just kind of use that as a trust [unintelligible] or [unintelligible] mechanism for the information that we already have.

CHAIRMAN STEAD: Thank you.

I actually have a quick tree question if I can scoot it in.

Can we speak specifically to the idea of requiring homeowners to keep the trees on the property? Is that something that has -- you in your recollection has been done before or is something
that's within our jurisdiction?

KEVIN HOLMES: Madam Chair, I've never run across anything where we've been able to, as a municipality, to restrict a homeowner's ability to trim their own trees on their private property. Theoretically something like that could be included in CC&Rs, for example, but that would be a little bit outside the purview, even though we do typically review what goes into a CC&R.

CHAIRMAN STEAD: Thank you.

COMMISSIONER SCHAEFER: Madam Chair.

CHAIRMAN STEAD: Commissioner Schafer.

COMMISSIONER SCHAEFER: Just a point of clarification with staff, too, on the Tree Mitigation Plan.

In addition to caliper inches, which is certainly part of the study, you also take a look at species, health, and if there are any historic or significant trees on the property that are worth saving; is that correct?

KEVIN HOLMES: Madam Chair, Commissioner Schafer, that is correct. Yes.

COMMISSIONER SCHAEFER: Okay. Thanks.

And I -- Madam Chair.

CHAIRMAN STEAD: Commissioner Schafer.
COMMISSIONER SCHAFER: Just one other follow-up point.

Earlier on in the conversation regarding the irrigation, I think there might have been some confusion regarding the Applicant and whether or not they've already spoken with some of the appropriate agencies, and there is correspondence. So I just want the record to be clear that the Applicant has spoken with Nampa-Meridian Irrigation District in regards to the lateral on the property. So that conversation has already begun, correct?

KEVIN HOLMES: Madam Chair, Commissioner Schafer, they have -- yes. There is correspondence in there with Nampa-Meridian Irrigation District, even though they are solely responsible for the farmer's lateral, which is in that northern part of that property.

COMMISSIONER SCHAFER: Okay. Okay. Thanks.

COMMISSIONER BRATNOBER: Madam Chair.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Thank you.

So thanks to Commissioner Gillespie and Commissioner Stevens for accurately summarizing what I was going to say or what I was trying to say.

So with respect to the Signal Warrant
Analysis -- this is for Kevin. I noticed that that was done in 2017, and a lot has gone by and plus we're talking about a fairly significant development going in. Is it your feeling that that's valid and up to date in terms of the signal needs? It's -- let's see. It's the Victory Road and Mitchell analysis.

KEVIN HOLMES: Madam Chair, Commissioner
Bratnober, I don't really feel comfortable questioning the ACHD staff and their expertise with regards to their staff report.

COMMISSIONER BRATNOBER: Okay, but they gave no indication that this should be updated or anything like that.

Thank you.

KEVIN HOLMES: Madam Chair, Commissioner
Bratnober, no.

HETHE CLARK: Madam Chair, I might be able to add something to that.

CHAIRMAN STEAD: Yes. Please go ahead, Mr. Clark.

HETHE CLARK: And without also -- like Kevin, I'm loath to speak for ACHD, but the report does indicate that that was revisited again in 2018 with regard to a pedestrian crossing at the intersection, and ACHD indicated that they will continue to monitor
that. So I'm comfortable with -- you know, we want to see an intersection that functions for our residents. You know, we're -- that's not something that we look at lightly, and so we're confident in the steps that ACHD has taken on that front.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: A question for the folks from the neighborhood association, for Marisa and Jill.

I'll wait until you -- so you both testified that the simple numbers -- the density itself you didn't think was compatible or that would create a hardship and that you both wanted -- or that Jill wanted an R-1A zone and a 20,000-square-feet minimum. What exactly is the hardship or the difficulty of having R-1B lots or the lot size that they proposed? I'm not -- I don't quite understand. How does that adversely affect the neighbors, having more houses on that piece of property?

JILL LONGHURST: Mr. Commissioner, are you addressing that to me or to Marisa?

COMMISSIONER GILLESPIE: Either one of you.

MARISA KEITH: Both of us?

I'll -- I can state my opinion, and you
I think that there are a number of reasons for that. One is just an increase in the number of people that are coming to a neighborhood that's traditionally been rural, more kids in the schools, more cars on the streets. It's not an area that is walkable. It's not bikable. Everybody's going to be driving a car.

The other issue is when you have -- go from one backyard neighbor or two backyard neighbors, in this case, the Dunkley house and Mr. Arrien's house, and now all of a sudden you have 14 back neighbors, it does cause some issues as far as privacy. And these are still rural areas. They are farming areas. They have ag animals, they have roosters, they have cows, they butcher on their property, and having the -- an increase of people that perhaps are not used to that sort of thing or not as tolerant of that can cause difficulties for the people that live there.

I myself have had phone calls from people asking when the neighborhood association is going to get rid of the cows in the subdivision next door -- or next door to a subdivision out in the Area of Impact because they don't like the flies that the cows bring
to the neighborhood. And so it does -- there is -- it does cause friction that way.

Do you have any further reply?

JILL LONGHURST: Additionally I would say those of us --

CHAIRMAN STEAD: Sorry. If you can just start with your name again.

JILL LONGHURST: I'm sorry.

CHAIRMAN STEAD: [Unintelligible].

JILL LONGHURST: Jill Longhurst again.

Ms. Shaw [phonetic] and I have both -- have had horses while we've been on these properties. A number of those places have had horses, and we're asking to abut to three different neighbors that have these tiny, tiny lots. When you say that they're -- they are similar nature, they're not. Those are significantly smaller lots than even those on the other side, which are in Boise City in the Carolina Place Subdivision. They're smaller than the Diamante lot that was only recently approved by the City, and they're smaller than everything that we're talking about going toward the south and to the west. So we're talking about, essentially, three houses to the back of my one lot and my narrow, long acreage lot.
In addition to that, I have for more than 20 years turned onto Mitchell Street and then right onto Victory to get to work. I am now at the point where I am waiting for four or five or six cars to find a way to get to Victory, which is overflowing and flooded, and you're asking, between my house on Roan Meadows and Victory Road, for another 67, 68 homes, which could be two homes with cars or teenagers or whomever else drives. So there could be much more than two or three cars per home already getting there before me. I'm already having struggles to get onto Victory, and you're asking to add that many additional lots.

That density is just simply not sufficient for this area. This is a much more densely populated area, and it does not fairly compare when you say they're similarly sized. They're not.

COMMISSIONER GILLESPIE: Thank you.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: This is another question for Kevin.

I wanted to go back to the lot size -- Large Lot designation, and ask if we, as a Commission, approve a subdivision whose lots are
almost half that size, do we still comply with the Comp Plan?

KEVIN HOLMES: Madam Chair, Commissioner Stevens, in many ways we still do. The Comp Plan is a guiding document, and we do have the PUD process on the books to make exceptions for what, maybe, you would find in the Comp Plan or Dimensional Standards and Code. So it stands to reason that the PUD process is the appropriate manner to which -- if you were going to go against the guidance -- maybe not go against, but deviate from the guidance of the Comprehensive Plan, this is the appropriate manner to do so.

HETHE CLARK: Madam Chair, could I add to that?

CHAIRMAN STEAD: Yes. Go ahead, Mr. Clark.

HETHE CLARK: And Madam Chair and Commissioner Stevens, the -- just the points that I would emphasize there is an R-1B is certainly -- it's explicitly an approved zone within the Large Lot designation, and you can get up to 4.8 units per acre within R-1B. We're at 3.61.

The -- and I do want to emphasize that the PUD process, and I was going to jump in earlier, and maybe I'll just make this point now -- that the PUD process is, by definition, there to allow for some
creativity to preserve or to create different amenities that might not be able to be preserved otherwise. So in this case, the use of the PUD allows us to move those lots around and allow for preservation of that pond and create another amenity while we're still in, I think, substantial conformance with the lot sizes to our north. So just a couple extra thoughts there.

CHAIRMAN STEAD: Thank you.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Just -- so -- just back onto the lot size.

So all that -- there's 14 lots along the southern boundary; is that correct?

KEVIN HOLMES: That -- Madam Chair, Commissioner Gillespie, that is correct.

COMMISSIONER GILLESPIE: And do each of those lots conform to the RnB -- R-1B size requirements?

KEVIN HOLMES: Madam Chair, Commissioner Gillespie, they do except for in one regard, which would be the requested interior side setbacks, which depending on -- there's an added -- recommended added condition in there that if the homes built on those 14 lots utilize less than the 10-foot interior side
setback that is typical of R-1B, that they be limited
to one story in height. The original -- the Applicant
originally asked for all homes to -- regardless of
story size, to be able to utilize the reduced
five-foot setback.

COMMISSIONER GILLESPIE: Thank you.

COMMISSIONER SCHAFER: Madam Chair.

CHAIRMAN STEAD: Commissioner Schafer.

COMMISSIONER SCHAFER: This may be a question --
I'm going to throw this question at the Applicant.

Along that same area you're proposing to keep the existing trees along that southern boundary line, do you have an estimate on the height of those existing trees?

HETHE CLARK: Madam Chair, Commissioner Schafer, I don't have an exact height, but let me -- I have a slide that I used in my presentation that might help illustrate that, so let me pull that up.

So they are not insignificant. This is the overhead using Google Earth looking at about a 45-degree angle back at the shops at -- many of which are two-way -- or excuse me, two stories. So they're fairly significant trees. As part of our study we will be looking at, you know, ensuring that we can make sure that those remain healthy. You know, a lot
of them trees throughout the project, you know, may be
meeting -- nearing the end of their lifecycle, but we
expect to preserve those.

And let's see. You know, with -- I think
it would be good for me to just jump in real quick on
that issue of private CC&R and requiring
individuals -- individual homeowners to maintain. I
think that would be pretty difficult. We can -- I
personally draft CC&Rs all over the valley. I've
never seen an example of a CC&R that said that someone
can't cut down a tree if it's diseased or aged, and so
I see that as being difficult, but this Applicant is
committed to preserving those trees on that south
boundary line.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Hethe, just to
follow-up on that, just sort of to brainstorm.

What about -- is it possible or would you
consider putting, like, a 10- or 15-foot landscape
buffer, that buffer where those trees are into a
common lot that the HOA would then maintain so that
you've got it -- you know, that those trees in the --
were in a long, narrow common lot across the -- I
don't know if you can see me, Hethe, so I'm just doing
this throughout the -- you know, so that the trees, in
a sense, became an amenity or, you know, like the HOA
common area that they maintain. So then the CC&Rs
could provide for the, you know, the ongoing
maintenance of that buffer, which I think is pretty
important to some of those folks to the south.

HETHE CLARK: Mr. Chair -- or Madam Chair,
Commissioner Gillespie, you know, certainly open to
considering the various alternatives, as we're just
kind of spit-balling right now. Some of the things
that I can see as being -- having a -- being difficult
to overcome would be that -- you know, how wide would
that common lot be in order to make sure that it can
be, you know, patrolled safely and maintained by the
HOA. And then you're shrinking up the lots at that
point on the other side of them so, you know -- and
then we've got 30-yard -- 30-foot rear yard setbacks
as well, so that's shrinking those lots pretty
significantly.

And if we're thinking about transitions,
you know, granted I see that -- your point that that
does have -- serve a dual purpose as also being a
transition, but it would generally shrink up those
lots pretty significantly, and, I think, create some
maintenance headache for HOA because those are large
trees. If they have to be felled, that's a pretty narrow area to do it in.

    COMMISSIONER GILLESPIE: Yeah. Mm-hmm.

    That's...

    COMMISSIONER STEVENS: Madam Chair.

    CHAIRMAN STEAD: Oh, Commissioner Stevens.

    COMMISSIONER STEVENS: Hi. I had a question for Hethe and Mr. Conger.

    There has been a lot of discussion about laterals in the valley over the last several years. And the, you know -- there's definitely a move by, not just Boise but kind of all over the country, to daylight these facilities that have been buried for, you know, over 100 years. And I'm just curious, I mean -- you know, the location of this particular lateral is obviously right smack through the middle of several of the lots that you have platted, but I'm just wondering if you and/or the Applicant has given any thought to how you might keep some of it daylighted. I don't know that you can keep the whole thing daylighted and keep the -- keep, you know, a subdivision there, but have you considered any of that when you read the concerns of the neighbors? You know, what kind of discussions happened offline that you can share with us when you talked about that?
HETHE CLARK: Sure. Thank you for the question, Commissioner Stevens.

So I have prepared -- we prepared a slide because we have been thinking about this issue. So the slide that you have on your screen, the area that has the red hashing is the portion of the farmer's lateral that is already tiled or covered up. It was covered up on this property within the last five or ten years; is that right? So the area that would be covered up is the area only here on the Dunkley property on the west side, so it's only about 400 feet. It is not daylighted, you know, it obviously -- I think it goes back across Victory at that point and it is covered as well.

So, you know, we get -- and I understand where you're coming from, Commissioner Stevens. The thought process was, you know, the best way to have that type of amenity was to preserve the pond. The pond is not fed by the lateral. It's fed by drainage. It's fed by other surface rights, so we're confident that we can do that. And we would intend to go with that approach to address the concern that you raised.

COMMISSIONER SCHAFER: Madam Chair.

CHAIRMAN STEAD: Commissioner Schafer.

COMMISSIONER SCHAFER: This is for the
Applicant, Hethe, to follow up on that line of questioning.

The neighborhood association brought up several concerns regarding grades and drainage along that south property line as well. Can you give us some insight into conversations you've had regarding to the -- regarding those problems and how you guys intend to address some of those issues.

HETHE CLARK: Madam Chair, Commissioner Schafer, so as you're probably aware, you know, with regard -- when we do any of these projects -- and when I say "we" I mean anyone in the development community -- there is a requirement of a grading and drainage plan that has to be done and usually that starts -- that process, the grading process, can start after a pre-plat. We will have to go through and specifically look at any of those issues, and I expect that, you know, based on the fact that this has probably not been engineered before, that any of those issues will be addressed through that process. And we -- you know, we work regularly with Public Works on that, and we expect that that will be taken care of.

CHAIRMAN STEAD: Any final questions from the Commission?

PUBLIC TESTIMONY
CHAIRMAN STEAD: Okay. We will now move on to the public testimony.

A couple of housekeeping items for people here in person: There are wipes up here, so feel free to wipe down the podium if you'd like to. You're also welcome to remove your mask while you're speaking if that's helpful for you.

And then we'll start with everybody in this room that would like to speak before we move on to the virtual attendees. For everybody, please start with your name and address and each person will have three minutes.

We'll start first with -- I'll read the first three or four people and so if we can keep it moving with the people in the room -- either move up to one of the front seats if you're not -- so we can keep things moving along.

So first up will be Julianne and then Misty Daniels and then Tracy and then Ted Price.

JULIANNE SHAW: Thank you, Madam Chairman, Commissioners. My name is Julianne Shaw. I live at 9950 West Roan Meadows Drive.

The one thing that we need to be aware of with the trees -- we all love the trees -- is that they're fed by an irrigation lateral -- well, ditch.
I guess it's just a surface ditch. That needs to continue. If the waters stop, the trees will die. We have parallel surface ditches on the north side and the south side of that fence line and that tree line, so that's something. And I mean, yes, retain the trees, but don't stop the water or there's no point.

Another thing I would like to point out is I've been working with Idaho Fish and Game in regards to the wildlife there. It's not -- that area's not designated as a great blue heron rookery, but we've had great blue herons there for 30 years. Beautiful. Watch them come in over that tree line.

Also the tree line is a landmark for the airport. When -- in 1990 when the Blue Angels were here, they used that tree line as a landmark to turn and land. It's pretty cool to see them come over those trees.

Okay. The single-level homes suggested on the 14 southern lots is backward. They can build a three-story or a four-story or whatever the heck they want to if they're farther than 10 feet from the property line. If they're less than 10 feet from the property line, they have to be a single story. It's kind of written backwards; it's not cognitive.

The point being that all the surrounding...
areas have single-level, ranch-like development. They were made for ranchettes to be able to have your cow. We still have folks who have cows back there, and they're butchered back there. So you've got to keep in mind the agricultural aspect and the residential aspect. And it's not that we don't want people coming and enjoying that area. We do, but we don't want them getting upset because somebody butchered their cow in the backyard. That's part of that integration.

I thank you for your time.

CHAIRMAN STEAD: Thank you.

Next is Misty Daniels followed by Tracy Price.

MISTY DANIELS: Good evening, Madam Commissioner, Commissioners. First of all, Misty Daniels. I live at 9957 Roan Meadows Drive, and I want to thank you all for hearing our comments tonight. I destroyed my notes because everyone's talked about everything I wanted to talk about, but I did notice some key points that I just wanted to bring out.

A little introduction of myself: My husband and I have lived here for 22 years. We moved here from a big city -- asphalt, concrete, buildings, stagnant heat, that's what happens when you take out
all of the open water and put in asphalt and concrete.

Sorry.

We moved to Boise because it is one of the most popular cities to live in in the nation because of its diversity, and that's what brought my husband and I here: Its diversity in activities, climates, and housing options. We have the beautiful North End to downtown Boise, southeast Boise, and the semi-rural and rural areas. The diversity is precisely what brings new families to our great city. We need to work to keep Boise's properties diverse.

The developer states in his application under "Justification" that "Boise is changing rapidly and this area has a need for additional housing. With that in mind, the proximity to services makes this prime -- this area prime for single-family, residential development." I do agree that Boise is growing, and it's continuing to grow. However, it is the responsibility of the citizens of Idaho and the Planning and Zoning Commission to mindfully review the growth.

Currently there are many lots, as stated previously, that are not built on, sitting empty. I think we need to start building on the empty lots, instead of continuing to approve the demolition of
these beautiful lots that we have.

We need to start focusing on smart growth for Boise, including a range of housing opportunities for our current and new residents. We have a lot of diversity in our neighborhoods, including, as I said, the North End, southeast Boise, and our semi-rural and rural areas. It is important that we keep the diversity of Idaho available for those who are moving here for exactly that reason.

The application reads and -- the application read "3.7 houses per acre." I believe the gentleman stated it was 3.61 houses per acre, but if you actually base the number of houses on the lot sizes and not the streets, the common areas, the sidewalks, you are actually looking at 5.5 houses per acre.

If you look at the overhead map shown of the density of that area as has been a concern, I think, brought up with many questions from the Commissioners, you can see that it does not transition well. Victory Road plays a great segue into the more dense areas across Victory --

THE CLERK: Time.

MISTY DANIELS: -- as opposed to the semi-rural area on the other side of Victory.
CHAIRMAN STEAD: Thank you so much.

MISTY DANIELS: Thank you very much. Have a good night.

CHAIRMAN STEAD: Next we have Tracy Price followed by Ted Price and then Darrin Daniels.

TRACY PRICE: Okay. You got your pictures up there?

My name is Tracy Price, and I'm at 9901 West Roan Meadows Drive. And, Madam Chair and Commissioners, I want you to know that I've agreed with what's already been said by my neighbors and also SWACA. I would like to address how this new subdivision will adversely affect my semi-rural lifestyle.

Not too long ago I witnessed the birth of a foal, and there's a video if we can get to the video that says "Foal Video." And there's pictures of various different animals and the lifestyle of where we currently live at. I also raise a beef cow every year, and the mobile butcher comes to get the steer each fall.

I love this unique area because of the rural lifestyle within the city county limits. I see all sorts of wildlife including ducks, geese, turkeys, blue herons, rabbits, and even skunks. My neighbors
even have horses, pigs, burros, and other animals, goats included. I love seeing my neighbors ride the horses down our street, but that has decreased significantly with the increase of traffic and the high-density neighborhoods going in around us.

I would also like to address traffic concerns -- and I think there's some pictures there of traffic -- that would adversely affect me because of the proposed increased-density housing, since I live on Roan Meadows Drive. With increasing density, as proposed by the Music Subdivision, it would greatly increase the traffic on Mitchell to get to the congested Victory Road. Traffic on Mitchell increased when Arabian Way connected to Mitchell Street and then the Diamante Subdivision. And there's the photos of the traffic, so like 5:00, 6:00 p.m.

This new subdivision would only increase the traffic further. And I'm specifically concerned by what Daryl Degrange [phonetic] stated in the project report, which is that in order for those who -- that need to make a left-hand turn to go onto westbound on Victory Road, the drivers would need to divert off of Mitchell Street and travel down Roan Meadows to get to Five Mile, creating as much as 300 vehicles in a ten-hour period, which would greatly
affect my lifestyle.

ACHD also -- when I called and talked to them about getting a study, they said that since the subdivision was, like, under 100 homes, they did not designate needing to check that, but they also included the other three, the subdivisions that went in. They were all under 100 homes, so there's not been a recent study done with the cumulative effect of all those subdivisions.

Finally I'd like to address inconsistencies within the Music Subdivision proposal and in the project report that would affect my lifestyle, because the homes may not be similar or compatible. They state that the type of homes would be compatible for the area, but they are comparing the homes all the way across the large, high-traffic road of Victory, not the areas closest to the impact, and they are affected by -- that are affected by the proposed subdivision. To me, compatible means similar and of same mind. When Music Subdivision mentions that they will be providing a housing type that currently doesn't exist and one- to three-story homes, this is not compatible to our area.

Our homes are all single level, split entry, or two levels, which may include a basement.
And I've got pictures of homes as well in the area.

THE CLERK: Time.

TRACY PRICE: In the newest subdivision Diamante [unintelligible] --

CHAIRMAN STEAD: Thank you. I'm sorry.

TRACY PRICE: [Unintelligible].

CHAIRMAN STEAD: That's the end of your time.

TRACY PRICE: All right.

CHAIRMAN STEAD: Next we have Ted Price followed by Darrin Daniels.

TED PRICE: Thank you.

My name is Ted Price. I live at 9901 Roan Meadows Drive.

The only concerns I have has been the trees and the stabilizing effect that the root systems are -- maintain there. If you look at those trees, those trees are not random. Those were put in there in a very specific pattern, and it's my opinion -- I don't -- I wasn't there -- I wasn't involved in the layout, but those trees were put in with a specific pattern in mind that is not random whatsoever.

And I just want to emphasize, while all is -- all works fine normally under these irrigation systems, I've lived there long enough to know that, in the spring in particular, sometimes you get more
water, sometimes you get less. And I just am concerned that that water is going to end up creating an impact to somebody and something that is not under a normal condition.

One other thing I just want to go on record of saying is several years ago, at the corner of Mitchell and Victory, on this property there was a significant amount of infill brought in. And while this is fine for the -- it maintains the property flat where it's currently at -- and I haven't ever measured that vertical height, but I'm assuming it's 7 to 10 feet of vertical infill. And I'm sure it's unconsolidated. I'm sure there's organic material underneath it. And while it's fine for cows, I just want to say it's probably not so fine to build on without at least addressing the stabilization of the soil.

And I just want to go on record in saying 3.61 units per acre, that's 12,000 square feet per unit -- per acre -- or excuse me -- 12,000 square feet per unit, not 7,000 or 6,000 or whatever the numbers were this evening.

That's all I have. Thank you.

CHAIRMAN STEAD: Thank you.

DARRIN DANIELS: Hello, Commissioners. My name
is Darrin Daniels. I live at 9957 West Roan Meadows.
And I agree with all the previous concerns that have
been brought to us, and I also bring one other concern
that reaches personally to me, as having worked for a
large utility company here in the area. I do not
express their views or opinions right now. These are
mine alone. I had to throw that out there.

Anyways being a first responder for that,
not just police, fire, but utility first
response -- traffic is terrible. With ACHD reviewing
and looking and saying project -- you know, this
project's not going to affect traffic. These
projects, are they accumulating all these together and
looking at the real impact, as in Mrs. Price's
pictures shown?

I've experienced that for almost 20 years,
seeing that, watching this town grow, especially this
area. This area cannot handle a lot of small -- large
subdivisions, large number of houses, without some
infrastructure in better shape, better roads.

There -- and as far as I know, there is
not even a five-year plan yet on widening that section
of Victory yet. There is discussion, but there's no
preliminary plans, not within a five-year timeline, as
far as the utility company that I work for knows of.
Also I -- I'm totally having a brain freeze. So much has been said I just want to make sure I cover the other.

But that is my largest concern here with that impact for first responders and stuff like that. And I would say that growth is coming, yes. Those should be half-acre lots, no smaller than that. Diamante Subdivision has three accesses to it. It does not greatly impact this -- not a lot, a little, but not a lot. You put in 67 homes, one egress and entrance, you are going to impact that area greatly, and it's not going to be handled. So I ask that you Commissioners please ponder on that one very thoroughly before making your decision.

Thank you. Have a good night.

CHAIRMAN STEAD: Thank you, Mr. Daniels.

Before -- I think -- is there anybody else here in person that would like to speak tonight?

Please just come on up then, yeah. Go ahead, everybody that would like to. Yeah. One at a time.

And -- oh, you. I'm sorry. It's hard with all the masks. You spoke with the --

MARISA KEITH: I spoke for the neighborhood association, but I'd like to take three minutes just
for my personal testimony.

CHAIRMAN STEAD: Yeah. That's fine. Please go ahead.

MARISA KEITH: Thank you. Marisa Keith, 3279 South Cloverdale, Boise.

Yesterday -- well, Sunday. I don't know what today is -- Sunday, I spent the day driving around SWACA to take inventory of the plats that had been approved and built for a project that another neighborhood association is working on with the Statesman. We included the Falcon Crest, which is in Kuna, because all of those houses that they approved out there are going to come into Boise. Nobody goes to Kuna. We counted 5,200 lots that had been approved out in Southwest Boise, and we counted between 100 and 200 houses built. It's not an issue of lots not being available, it's an issue of the houses not being built in a timely manner.

As far as for the easement of the trees, I really do think it's just lip service. The developer's plan for these neighbors -- if he's trying to get the development approved based on saving those trees and he has no actual plan to protect those trees once he is out of that subdivision and moved on to the next, then it's kind of a waste of time to even
discuss it at this point. There needs to be some sort of easement. There needs to be some sort of protection to make sure that those trees are there for the long term.

I spend a whole lot of my time down at ACHD, spend, like, hours of my life there every week, just following along on what they're doing. And I have spoken with an old employee there several times. He calls -- he has said that the people at ACHD refer to Southwest Boise as "Death by a Thousand Cuts." And what he means by that is that they -- developers put in all of these small subdivisions that never meet the criteria for a traffic impact study, never meet the criteria for mitigation. And before you know it, it's just snowballed, and now we have 5,200 houses approved out there. And we have no sidewalks. We have two-lane roads. I live on Cloverdale. That road was supposed to be widened to five lanes five years ago, and they're -- it's not even in the five-year plan for the section that I am on.

Right now ACHD is considering not even taking their 3 percent for their next budget. They're contemplating a 0 percent increase that will impact their CIP. It will impact their five-year work plan. They don't know exactly how much that will affect it,
but there are several people over there screaming that
they don't even have money to put in sidewalks,
pedestrian crossings, other community projects, and so
just take that into consideration when you are
deliberating tonight.

Thank you.

CHAIRMAN STEAD: Thank you.

Sir, come on up, please.

MARK DUNKLEY: I am Mark Dunkley, 10151 West
Victory Road. I'm one of the sellers of the property
to be happened. I have lived here since 1958, in
which 34,000 people lived here then. Currently we
have over 250,000 here in Boise. Change is constant,
and great things -- I'd rather live here now than back
in 1958 when I came, because of the population
increase. Good things happen.

I am selling my property because I have a
bad heart, I'm tired of taking care of cows and
pastures, and I want a break. And so -- but I do want
to stay in there because I love the area. I love what
the developer has done in keeping the pond. No one
here enjoys the pond because it's private. The pond
will be enjoyed by the public. The common areas will
be enjoyed by the public. People will enjoy walking
in a neighborhood that is secluded.
And I think they're just great. The integrity of the trees in the south will help keep the privacy of those people in the south. The lots are larger. The lots generally are only one and one-and-a-half lots per person there. Everyone will enjoy the property.

The irrigation concerns -- my property is the lowest portion of all the properties. The lateral that goes through my property has never been flooded in the 16 years that I have been here. The problem with Jill's property is just on the southeast corner with just two properties there. It is not the whole property; it's just that little portion. My property -- there is no problem with the laterals.

There is no wildlife on my lateral. When that goes dry in October, nothing's there. It's all in the pond. All the wildlife stays with the pond. So you keep the pond, you develop that, you have some great things that happens there and people can enjoy.

Traffic with ACHD. Since Mitchell is a collateral it has a possibility max of 425 VP H per day, I guess or however they [unintelligible], with addition of the additional subdivision that brings it only up to about 110 VPH in the maximum traffic volumes. People have been complaining about traffic
in Boise for the last 30 years, and so there's no
difference between now and 30 or 40 years ago.

I apologize to my neighbors for getting
old and having a heart problem and wanting to stay
alive.

I do have one problem -- the historical
building is not very historical if you've been in that
home. I have been in there many times. There is
nothing great about that home to be preserved.

Also as far as Jills's comment on walking
around there, I think we were here a half-an-hour
before and 20 minutes before we were able to get in
here, so I think there's no problem with having this
as being a public meeting.

The only problem I have is the fence. And
I'm not a part of the --

THE CLERK: Time.

MARK DUNKLEY: -- developer. I have nothing to
do with him. I want to stay in here.

And also the fence. They have predicted a
vinyl --

CHAIRMAN STEAD: Thank you, sir.

MARK DUNKLEY: -- fence.

CHAIRMAN STEAD: That's it -- that's the end of
your time.
MARK DUNKLEY: Okay. Sorry.

CHAIRMAN STEAD: Thank you.

MARK DUNKLEY: If you want to ask me about the vinyl fence, I'll tell you.

CHAIRMAN STEAD: Thank you.

Okay. Great.

JILL LONGHURST: Thank you.

Mr. Holmes, I had a part of my PowerPoint that had a picture that showed the lot sizes as they exist now across the street. Could you pull that back up, please.

KEVIN HOLMES: [Unintelligible] for you.

JILL LONGHURST: Again, it's Jill Longhurst, and I'm at 9900 Roan Meadows -- West Roan Meadows, I guess. That's something they're making us add. I never said "West" before.

While Mr. Holmes pulls that up, I just wanted to make a few comments. When I heard Mr. Holmes reference one of the Commissioner's questions about -- he thought that there would be within 2021 through 2025 changes to Victory, that was a surprise to me. My group of neighbors and I had contacted ACHD, and it was our understanding that we were looking at seven to ten years before there would be any legitimate thing.
As to the size -- could you go to -- keep going down. More, more, more, more. Thank you.

More.

Right there, where your cursor is, if you can do that. Yes. That'd be great. And click on that one please.

Actually go up two. There you go. Sorry.

I just wanted to talk about the home size. The homes here are significantly smaller, what's proposed, and this was the original proposal. If you look across the street to the Carolina Place, those are much smaller. The developer's comments about that this is all within the size and that those houses get smaller as they get toward Victory is not accurate.

That's an accurate assessment of what the properties look like, and I think that this is a relevant visual aid for all of us to understand what we're talking about.

There was a comment that was made to Mr. Holmes a minute ago about whether or not this proposal was within the Comprehensive Plan. And his response was, "If we're going to go against the Comprehensive Plan, this is an appropriate way to go."

My question is why are we going against the Comprehensive Plan? We are not without homes. We are
not without development properties. There is no need to do so. And I -- I would strongly urge you to require us not to look at this as something to go against the Comprehensive Plan but to stay within it so that we can have a nice transition between the homes. It's accurate -- actually fair one.

And my final comment would be that when we're talking about this planned community development -- "we're going to save the pond" -- I think that that's sort of talking about the "emperor's new clothes". As one of the Commissioners pointed out, this pond isn't going away. There's a lot of things that would have to happen before this pond would go away. They're stuck with the pond.

So really what they're talking about is putting a path around the pond and putting the pond in a much smaller area than it is and then putting some rocks out. And in order for you to say that this is part of a planned community development, it has to have some benefit. And all -- as far as I can tell, it's boulders. And I don't know what size it is, but I was joking with my daughter about the size of boulder we have. I have yet to hear a single person say, "The perfect subdivision is the one with some climbing rocks in it, a few boulders for the kids to
go sit on." That is not a benefit. That is adding nothing to this particular area, so there is no reason to pretend that this is some major benefit and they need these zoning variances.

So I would ask the Commission to deny them. Thank you.

CHAIRMAN STEAD: Thank you.

Is there anybody else here that we have not heard from that would like to speak tonight?

Okay. So moving on to the virtual attendance. If you are -- if you have joined us virtually and you'd like to speak on this item tonight, please virtually raise your hand.

And we will just start at the top and work our way down. So first I see Cynthia Rasavage.

CYNDHIA RASAVAGE: It's Cynthia Rasavage.

CHAIRMAN STEAD: Thank you.


I'm -- I am opposed to the traffic, the density of the property itself. I'm at the other end of Mitchell at the very end. In 2018 it was a dead end street, and because of SouthCreek going in, they did put it through, but it will end at our house.
ACHD just took it off of their five-year plan about it going from Arabian Drive to Amity. It will never go through.

I'm -- not only do I care about how many more cars are going to go in front of my house, I'm concerned about Mitchell itself. In the five-year plan that ACHD has, there is no plan at all for them doing any improvements. Currently it has no curbs, no gutters, no sidewalks. So the children that have to wait on the school bus have to wait in the middle of the street at 7:00 a.m. during the winter. And there's no street light and it's very dangerous and we're going to add more cars coming up through there.

We have a 20-mile-per-hour speed limit. People are tailgating me all the time because I do follow the 20 miles per hour, because you never know who's walking in the middle of the street. We have a lot of people walking their dogs, their children. They have children coming to school to Amity Elementary -- are -- they use that path coming down Mitchell.

I'm not opposed to the new development.
I'm opposed to how many houses are going in there.

Thank you for your time.

CHAIRMAN STEAD: Thank you.
Next we'll hear from Barbara Crump, please.

Barbara, do we have you there?

BARBARA CRUMP: Yes.

My name is Barbara Crump, 3921 South Mitchell Street. Thank you, Madam Chair and Committee.

The traffic and congestion is a major issue. Just last week I was, as Cynthia mentioned, tailgated going 20 miles an hour. The car pulling off of Victory onto South Mitchell was ten car lengths behind me, as I'm doing 20 miles an hour, before he came up right behind me -- was so angry and frustrated he passed.

When we chose our home we had already fallen in love with the neighborhood before we chose it, as we were looking for a house on Arabian. The speed limit there is 25 miles an hour. All these neighborhoods that are being built that are new are 25 miles an hour. So they're coming onto South Mitchell, which is not a subdivision. It's semi-rural. And I have not seen them easily transition into driving through a semi-rural neighborhood where we enjoy people riding their horses, people walking down the street, as well as all
the kids going to and from school.

We find a lot of traffic. Moms and dads
driving their children down South Mitchell, dropping
their kids off at the back -- school, and then driving
back down South Mitchell. I can't believe that all
these people moving into this new subdivision would
turn out onto South Mitchell and go straight to
Victory. They would also increase the traffic. And I
don't know any mention of the speed limit, on what
this neighborhood is going to have.

Basically I have no problem against the
subdivision going in. Yes, the state is growing.
People want to move in here. We have to provide
housing. And it appears to be a very thoughtful and
considerate plan. However if you came and walked our
neighborhood, it is nowhere near compatible with the
neighborhood. We're semi-rural. And even if you go
across Victory, you've got a neighborhood that is not
nearly as congested as what they're proposing.

Yes, we have animals and cows, and we like
it that way. And I chose this neighborhood
specifically because when I moved to Idaho I wanted to
be in a neighborhood that -- this state has this
wonderful selection that you can live downtown urban
or you can live in the county and have a semi-rural
neighborhood.

I really feel this would negatively impact this whole area, as well as property values, as well as safety.

THE CLERK: Time.

CHAIRMAN STEAD: Thank you, Ms. Crump.

BARBARA CRUMP: Thank you.

CHAIRMAN STEAD: Next we'll hear from Linda Raine.

LINDA RAINÉ: Can you hear me okay?

CHAIRMAN STEAD: Yes. Thank you.

LINDA RAINÉ: I want to say I definitely agree with what Cynthia said about the traffic and the speed limit, and also what Barbara said. We live at 3600 South Mitchell Street, so we live right at the top of the hill. And you can't see when somebody is stopped on the side of the road. You can't see to get around them safely because your vision is blocked. So I don't know if anybody's taken that into consideration. The speed limit since the SouthCreek Subdivision went in has been ridiculous. The sheriff comes out every now and then, and I say, "Wait five minutes. You'll get two speeders." It is -- it's really bad, really bad.

Also I'd like to see half-acre lots to go
along with what Diamante Subdivision is doing. We fought that subdivision as well and used the Boise Comprehensive Plan to do it, and they put in half-acre lots, and I would also like to see that.

As far as the only entrance to and from this subdivision is going to be on Mitchell, what happens when a fire engine needs to get in there and an ambulance? Are they allowed to only have one entrance to and from and into a subdivision as for safety?

Also Mitchell is two lanes. So when you go down at the end of Mitchell to turn onto Victory, you can only turn either right or left of course. There is a center turn lane that is going to increase accidents because I mean -- right now, like Jill said, you wait five or six minutes just to get out there onto Mitchell -- I mean, onto Victory.

Also since we've lived here, since 2005, they've changed the time -- what -- when they're going to widen Victory I don't even know how many times. And the last I heard also -- I think someone mentioned -- is there is no plan to widen Victory. So what do we do in the meantime?

Thank you.
Next we'll hear from Todd Merritt.

LINDA RAIN: Okay.

TODD MERRITT: Hello. Can you hear me okay?

CHAIRMAN STEAD: Yes.

TODD MERRITT: Okay. My name's Todd Merritt. I live at 9682 West Roan Meadows Court. I'm the president of the HOA for the Diamante Subdivision.

My wife and I looked for homes for over a year. The Diamante Subdivision is a new subdivision. My home is ten months old. We were thrilled to find a place in Boise where we could build a new home and have space in between the houses, absolutely thrilled.

The Music Subdivision, the problem I have with it is the density. They seem to want to identify with the neighborhood to the north of them, which is on the other side of Victory Road, which is just the most significant divider. The neighbors that are the most adjacent to that neighborhood are to the west and the south and the east, and the smallest lots are half-acre. They go one acre, some of them, or even larger. So I do not believe that R-1 B is an appropriate designation. I think it should be R-1A so that it is aligned with the neighborhood that it is in, not the one that's across the street on Victory.

The neighborhood here, people have shops,
they have animals, it's very rural. And we were very
happy to find a neighborhood that wasn't jam packed
with the houses so close together that you can almost
jump from one to the other.

And that's it.

CHAIRMAN STEAD: Thank you, Mr. Merritt.

Next we'll hear from Dustin Patterson.

DUSTIN PATTERSON: Yes. Hello and thank you,
Madam Chair. My name is Dustin Patterson, and I live
at 9651 West Roan Meadows Court, also in the Diamante
Subdivision.

I agree with what has been said already by
my neighbors and, as a lifetime resident of Southwest
Boise, I am also just very concerned about the traffic
increase and the proposed density of the homes in the
new Music Subdivision.

Really comparing that proposal to the
neighborhoods that are in the area, I think that you'd
be best suited to compare it to my neighborhood, the
Diamante one. And I echo what Todd said, we bought
out here specifically because they had half-acre lots
and we had some more space to stretch out. I think
that that would be a lot better comparison than the
neighborhood that you find to the north.

So once again I just echo all the concerns
that have already been mentioned this evening, and I just hope that you consider the concerns of the homeowners. Thank you.

CHAIRMAN STEAD: Thank you, Mr. Patterson.

Next is Richard Llewellyn.

RICHARD LLEWELLYN: Richard Llewellyn, 9170 Hill Road.

Am I coming through?

CHAIRMAN STEAD: Yes.

RICHARD LLEWELLYN: Great. Thank you.

So lots of excellent questions, I think, from Planning and Zoning Commission. And I'd like to, you know, commend you for all of your great questions, great insights, and great questions and points from the neighborhood.

And it really strikes me how different this proceeding is from the earlier one, in the Haystacks Subdivision in Barber Valley, where the neighborhood had a chance to really work out and hash out the issues with the developer. And now the main point of contention is what color should the pedestrian beacon be.

I don't hear about any pedestrian beacons being installed here, even though we all know that out in this part of the hinterlands of Boise, pedestrian
concerns, traffic concerns are really front and center.

So Elaine Clegg, President Council Pro Tem, has often -- evokes the process that was used to bring people together, neighborhood concerns and developers, to come up with Barber Valley Plans. And I think that's why now we are only hearing about what color is the -- should the pedestrian beacon be. And you saw all those great pathways: cycling pathways, pedestrian pathways, open spaces in that part of town.

Why is it so different? You know, why is it so different out in Southwest Boise? I -- is it the people are different? You know, is it just worth less in some way?

I don't know. I don't think we really think any of those things. I think it's just history, and I think we've come to accept that people in certain parts of Boise, just those neighborhoods, don't deserve, on some level, the same amount of care and handling from -- during the whole process. So despite all of your very good questions and your attention now, I just feel it's a little too late. I wish that so many of these issues could have been brought up between the neighborhood and the developer with Boise planning staff really upholding the
livability components of Boise Blueprint for this area of town.

What are some of those? That issue brought up again by Planning and Zoning Commissioners, as well as neighborhoods, about the laterals and those trees. Yes. If you -- it's not just burying the laterals. You're also piping them, meaning 84 you're never -- you no longer get the ground water recharged. Yes, those trees will die. That pond may not continue to be full of water either in the winter unless you pump water to it.

You know, having grown up in similar country myself -- yeah, this is what we have here. You know, we have these laterals, we have these semi-riparian kinds of proxies with our irrigation systems. It's what makes these areas livable to us. You know, it represents a lot more. So I really hope you continue to listen and strive to preserve those elements.

THE CLERK: Time.

RICHARD LLEWELLYN: Thank you.

CHAIRMAN STEAD: Thank you, Mr. Llewellyn.

Next up is Milena Hickey.

MILENA HICKEY: ...[unintelligible]. Can you hear me?
CHAIRMAN STEAD: Yes.

MILENA HICKEY: All right. Hi, everybody.

So I'm at 3185 South Linda Vista Avenue, also in the Diamante neighborhood.

I agree with a lot that has been said. My backyard is exactly on Mitchell. I'm concerned about, not just the building part when they start building, the dust and the pollution and everything that comes from that -- obviously progress has to be made, and a lot of points have been made that are very good. My main concern is the only entrance into that neighborhood, into that new neighborhood, and the density of the houses there.

My husband happens to be a fireman, and it was said about access to those homes -- I know there's another access to it. And it shouldn't be a problem, but let's say there's a fire -- well, I mean they're so close together right now. That is a problem.

If those people want to get out in a rush, you're going to have a major problem trying to get everybody out on one street, even if there is another egress road to Victory or to other places. That's one point.

The second point is if we ever get out of the lockdown and people go back to school -- and
traffic is what it is. It's already a lot more than it was. I agree with those people saying there is a lot of traffic going, and specifically going from -- going into Victory.

There is a downhill road and it ices up in the winter. And people -- I mean, you're going to have accidents there if people are not aware of that.

Also a lot of people are going to cut through our Diamante neighborhood to get over to the other side and just do a quick -- you know get home, cutting home, shortcut. And I think there could be some big potential for accidents with children in our neighborhood. So -- and that's the part -- besides, I will miss the peacock.

So that's my five cents to it.

CHAIRMAN STEAD: Thank you, Ms. Hickey.

Next, we have Kevin Spiegel.

KEVIN SPIEGEL: Hi. Can you hear me okay?

CHAIRMAN STEAD: Yes.

KEVIN SPIEGEL: Great. Thank you.

Hi. I'm Kevin Spiegel. 9990 Roan Meadows Drive. I've got my wife here as well. We just logged in together, so I guess I'm speaking for the two of us if that's okay.

And I just wanted to kind of echo what
everybody else has brought up as concerns so far. I
just -- I also wanted to read a couple things off of
the -- excuse me -- the Blueprint for Boise about
Southwest and the neighborhood character.

And two points here: Point One is to

"Encourage the use of public parks and other
open-space areas as community farms and gardens to
preserve the rural and agricultural heritage of the
Southwest," which -- I don't think there's anything
about agriculture in this new subdivision. There's
also, "Promote the continuation of existing
agriculture in the Southwest and look for
opportunities to expand urban agriculture in new
developments. And lastly, "Open fencing and other
design features shall be used to the greatest extent
feasible to retain the semi-rural character of the
Southwest.

And this really brings up that idea of
what the Southwest feels like. And I believe it was
Mr. Gillespie who was asking how the houses not right
next to those of us on Roan Meadows, how those being
on smaller lots would impact us, and it really comes
to down to that feel, that semi-rural character that
the Southwest currently has, and it sounds like
everybody who's testified here would like it to
continue having.

And again just to kind of reemphasize that point that R-1B is supposed to have 9,000-square-feet lots or larger. And I counted up all the lots that don't meet that in this subdivision, and it's 47 of them, which is more than half or two-thirds of the lots that don't even meet the designation for R-1B. So I don't see how you could -- how you can even say that it's an R-1B designation, but two-thirds of the lots don't even meet the requirements for that. So I think we really need to say it's R-1C, which doesn't fit into the Large Lot use, or the lots need to be increased in their size to actually meet that R-1B designation.

And then my last one -- just about the traffic as well. And I know we've spoken a lot about how it will impact Victory, but I'm just as concerned about how it will impact Mitchell. You know, we've got two kids. They're 6 and 8 right now, and they walk to school, to Amity Elementary -- well, when school is in session. And the amount of traffic that this could cause on Mitchell -- I'd just be worried for their safety as they're trying to walk to school. There's no sidewalk. There's no improvement.

It's -- you know, it's not a super wide road. It's
not marked. It's --

THE CLERK: Time.

KEVIN SPIEGEL: -- it's just a concern that I could -- that I have for my children.

Thank you for your time.

CHAIRMAN STEAD: Thank you, Mr. Spiegel.

Next we have William Martin.

WILLIAM MARTIN: All right. Can you hear me?

CHAIRMAN STEAD: ... [unintelligible] going off of this.

COMMISSIONER GILLESPIE: Yes. Say yes.

CHAIRMAN STEAD: Yes.

WILLIAM MARTIN: Okay.

I just wanted to -- I agree with what has been said primarily regarding the density and how many new homes and the effect that's going to have on traffic. Thank you.

THE CLERK: William, can you give us your name and address for the record, please. Thank you.


CHAIRMAN STEAD: Go ahead, William.

WILLIAM MARTIN: I already spoke. You didn't hear anything?

THE CLERK: [Unintelligible].
COMMISSIONER GILLESPIE: [Unintelligible].

CHAIRMAN STEAD: We got your name and address.

WILLIAM MARTIN: Okay.

Well, I just agree with the density concerns and the effect that it's going to have on traffic.

Thank you.

CHAIRMAN STEAD: Great. Thank you.

Next we have Elena Cardwell.

ELENA CARDWELL: Hello. Can you hear me?

CHAIRMAN STEAD: Yes.

ELENA CARDWELL: Okay. Perfect.

Hello, everybody. My name is Elena Cardwell. I live on 3083 South Linda Vista Place, also in Diamante Subdivision.

And just like many of my neighbors before, I just wanted to point out that we purchased the home a year ago also after a long search for a larger lot in the city of Boise, where we're not feeling congested and squeezed together so we'll love where we are. And my backyard will be actually directly behind -- well, directly across Mitchell from Music Subdivision. So we are literally -- backyard is facing Victory and Mitchell intersection, and the amount of traffic is a huge, huge concern for us.
We're basically looking at -- what -- roughly 60 homes. Everybody will have two to four cars, so I cannot even imagine the 180 cars coming in and out everyday, going to work and daycare and school. So that is our main point and main concern. And I will -- I agree with everything that's been said before.

Thank you.

CHAIRMAN STEAD: Thank you.

We'll next hear from Raymond Anderson.

Just give us one second, please.

Okay. Please go ahead, Mr. Anderson.

RAYMOND ANDERSON: Can you hear me okay?

CHAIRMAN STEAD: Yes.

RAYMOND ANDERSON: My name is Raymond Anderson. I'm on 9602 West Wright Street. I've been here with my family for 16 years. Just to give you a little idea --

CHAIRMAN STEAD: You're a little quiet.

RAYMOND ANDERSON: Can you hear me better now?

CHAIRMAN STEAD: Yes.

RAYMOND ANDERSON: Okay.

I've been here at 9602 West Wright Street for 16 years just to give you an idea --

CHAIRMAN STEAD: I'm sorry, Mr. Anderson. We're
still having -- it's still a little too quiet.

RAYMOND ANDERSON: Okay. Is that better?

CHAIRMAN STEAD: Yes.

RAYMOND ANDERSON: Okay.

In the last 16 years, just to give you an idea of what goes on here south of this area, I've had 38 head of beef cattle through this small two acres that I have. So I've been contributing to the flies in the area. I will agree with Mr. Dunkley that there's really nothing historic about the houses. I've been in them. They're nice, but I don't see them as historical.

The big problem --

CHAIRMAN STEAD: Sorry, Mr. Anderson. We seem to have lost you again. Can you get closer to the microphone?

RAYMOND ANDERSON: Okay. How about now?

CHAIRMAN STEAD: It's still a little muted.

RAYMOND ANDERSON: Okay. Can you hear me?

CHAIRMAN STEAD: Yes.

RAYMOND ANDERSON: Okay.

With the rest of the group, the traffic is a big problem. In addition my street, Mitchell, Roan Meadows and Diamante are going to be clogged with traffic. The -- also it's going to put a lot of
pressure on Maple Grove. The roads have not been prepared for the amount of traffic that's going to come through here.

And I agree with many of the people who have spoken today that one-half-acre lots is the smallest they should be here in this plan.

Thank you.

CHAIRMAN STEAD: Thank you, Mr. Anderson.

Next we have Steve Hamblet.

STEVE HAMBLET: Hi. Can you hear me?

CHAIRMAN STEAD: Yes, [unintelligible].

STEVE HAMBLET: Okay.

I'm Steve Hamblet. I've got my wife Rebecca [phonetic] with me. We live at 3217 South Linda Vista Avenue in the Diamante Subdivision.

And like our other neighbors in here, we were looking for more space to be able to, you know, not have our neighbors on top of us. So I mean, our -- we share those concerns that everybody else has expressed so far, but it's mostly just the density of that subdivision that kind of concerns us.

And consequently I think a lot of the traffic will end up diverting through our subdivision to get out to Victory. I mean it's -- we get a lot of people speeding through here already. I mean, I know
there's been complaints about Roan Meadows too, but I mean, we've got some small children in here now, and they continually have people blowing past our house, trying to get around that corner at Victory and Mitchell. So it's just -- I think it's just going to exaggerate it if we have, you know, another 67 homes right across the street here.

I'm not -- we're not opposed to the subdivision, but it's just the density that concerns us.

Thank you.

CHAIRMAN STEAD: Thank you, Mr. Hamblet.

We have quite a few people who didn't raise their hands, but I have their names on this sheet. So if you still would like to speak, please virtually raise your hand. I will go down this list and call out names, but we'd like to see that virtual hand raised.

So first on this list I have Alison Haws.

Alison, would you like to speak?

Okay. Oh.

ALISON HAWKS: Can you hear me?

CHAIRMAN STEAD: We can.

ALISON HAWKS: I agree with everything that's been said so far. I was glad to see that the trees
have been addressed.

   We are at 9980 West Roan Meadows Drive.
And like everyone else we bought here because of the
location and the rural feel of not being on top of our
neighbors. And the privacy is huge, so I'm glad to
see that they're planning on keeping those trees.

   But safety and having that one entrance
into so many homes with so many extra cars and, you
know, family members. And mostly, you know, you're
going to get a lot of teenagers driving in and out of
there, too. Fire issues. I just agree with everyone
so far.

   Thank you.

   CHAIRMAN STEAD: Thank you.

   Next is Chester Ball.

   Chester, did you still want to speak
tonight?

   Please go ahead and start -- for
everybody, please remember to start with your name and
address.

   COMMISSIONER GILLESPIE: [Unintelligible].

   CHAIRMAN STEAD: I mean, they're not.

   COMMISSIONER GILLESPIE: [Unintelligible] if
they don't raise their hand, you should just
[unintelligible].
CHAIRMAN STEAD: Chester, did you want to speak tonight?

Okay. I'm going to take the silence as forfeiting the opportunity to speak on this item.

THE CLERK: Madam Chair, I might just add that phone number and webinar ID to the chat so if anyone cannot participate --

CHAIRMAN STEAD: Okay. We're going to add the telephone number and meeting ID to the chat. If you aren't there on public -- you're having any audio difficulties, please feel free to go ahead and call in. And then if you can virtually raise your hand, we'll know that you want to speak.

Next on the list I have is Frances Smith. Do we have a Frances Smith that would like to speak tonight?

Okay. I'm going to keep moving.

Glenda Jenkins.

If you're on the phone, go ahead and press "star, nine" to virtually raise your hand, if you were waiting on that.

So after Glenda Jenkins -- oh, we have one hand up.

Okay. Go ahead, Monica.

MONICA KNIGHT: Okay. Can you hear me okay?
CHAIRMAN STEAD: Yes. Please start with your name and address.

MONICA KNIGHT: Okay. My name is Monica Knight, and my address is 9504 Bienapfl Drive.

My husband and I have lived in that home for almost 15 years now, and we've seen the traffic really increase. It's a -- we have a hard time getting out on Maple Grove. We use Mitchell a lot to get out of the subdivision, and it's gotten a lot heavier as more and more subdivisions have come in around our acre lots.

My biggest concern is the traffic going up Mitchell and the children that walk to school on that road. I feel like it's going to be dangerous for them.

I'm also a little concerned that the school is also already pretty full. Amity Elementary has four classes per grade and over 30 students per class. And 67 new homes going in will heavily affect the already overflowing school of Amity Elementary.

So I don't oppose the subdivision, but I would like to see a lower density and closer to half-size acres.

Thank you.

Did you want to say anything?
CHAIRMAN STEAD: Thank you.

Next on the list is Karen Darrington. Do we have a Karen that would like to speak tonight?

Oh, okay. Great. We do have a Karen Darrington.

KAREN DARRINGTON: Am I here now?

CHAIRMAN STEAD: You are. Please start with your name and address.

KAREN DARRINGTON: Karen Darrington, 9290 West Lyle Street, and we've lived here for 27 years. Our street is a dead-end street.

And several years ago a developer bought 12 acres at the end of our street and wanted to put in 40-something houses with only one entrance and that was Lyle Street. And we went through the process through Boise City and Ada County Commissioners, and it's been a long process, but I would like to say that the developer has just put in three 3-acre homes -- actually four, four 3-acre homes in those 12 acres that he originally wanted to put 40 on.

And the Boise Comprehensive Plan, the City Council back then -- this has been almost ten years ago we've been through this process. And they definitely wanted less density. They suggested half-acre to 1-acre lots. And it's been a long time
coming, but there are people out there who want larger acreages. And our street, which is just down the road from Mitchell, it's been very -- we've been very happy to see that the density is smaller, because we can't get out onto Maple Grove from our street, and you're going to have a heck of a lot more people trying to get out onto Mitchell in the morning --

CHAIRMAN STEAD: Thank you. That's your time.

KAREN DARRINGTON: Thank you.

CHAIRMAN STEAD: Thank you, Karen.

KAREN DARRINGTON: Mm-hmm.

CHAIRMAN STEAD: So remaining on the list -- if I call your name and you would still like to speak tonight, please virtually raise your hand. That can be done through the program or if you're on the phone, you can press star, nine.

So the names I have remaining are Kurt Sager [phonetic], Megan Armstrong, Melissa Shane, Randall Shane [phonetic], and Steven Hickey [phonetic].

So, Kurt -- do we have -- I'm not seeing any new hands go up. But do we have -- oh, wait. There's one.

COMMISSIONER GILLESPIE: [Unintelligible].

CHAIRMAN STEAD: Okay. We have one on the
Let's please go ahead -- please start with your name and address.

GLENDA JENKINS: Glenda Jenkins. We live at 3172 Black Hills Drive.

And I agree with everything that's been said against the current plan. The density is too high, it should be half-acre lots. And we have lived at our house since 1983, and we've seen the traffic just explode, and we are worried about the cars having a problem getting out on Mitchell to Victory and dealing with that intersection, and so coming down Roan Meadows and coming past our house on Black Hills to get out to Victory, and it's just not going to be a safe situation.

So, really, the density is the key to maintaining the rural feel of this area.

CHAIRMAN STEAD: Thank you, Ms. Jenkins.

GLENDA JENKINS: Thank you. Thanks.

CHAIRMAN STEAD: Okay. So I'm still not seeing any new virtual hands.

Oh. There's one.

Please go ahead, Michele.

MICHELE LINSKY: Hi there. My -- can you hear me?
CHAIRMAN STEAD: Yes.

MICHELE LINSKY: Okay. My name is Michele Linsky [phonetic]. I live at 3080 South Linda Vista Place.

My husband and I -- we actually -- we purchased the original home from the Diamante lot. And so I know that the original home could be purchased if it were put up for sale. I know it's possible.

I'm disappointed with Mr. Gillespie. He kind of shrugged at the current zoning that's listed and kind of wanted to waver from that.

I do agree with my neighbors. I want to especially address the school issue. All of the schools, Amity Elementary, West Junior High School that Amity feeds in, and Borah High School that both of those feed into are some of the highest populated schools in the city of Boise.

And that -- just to state that the average lot size listed is not accurate.

So thank you for your time.

CHAIRMAN STEAD: Thank you.

So if you would -- last call. If you'd like to speak on this item tonight, please virtually raise your hand.
THE CLERK: Madam Chair, we might just go down this attendee list --

CHAIRMAN STEAD: One more time.

THE CLERK: -- and call in on everyone that we haven't heard from yet.

CHAIRMAN STEAD: Okay.

Do we have Kurt Sager?

THE CLERK: I don't see him on the list.

CHAIRMAN STEAD: Okay. Oh. Okay.

Megan Armstrong.

THE CLERK: And I don't see her on the list either.

CHAIRMAN STEAD: We've got the Shanes, Melissa Shane.

She is on the call.

THE CLERK: She is on. Let me just unmute her.

CHAIRMAN STEAD: Hi, Melissa. Did you want to speak tonight?

THE CLERK: Just in case folks at home don't have the ability to see the chat, the phone number you can call in on -- give you a second to grab that pen -- is 888-475-4499. And the webinar ID is 985-8581-4025. So again that phone number is 888-475-4499, and then it will ask you for a webinar ID, which is 985-8581-4025.
CHAIRMAN STEAD: I also have Randall Shane on my list, but I don't see him on the call.

And then Steven Hickey.

Oh.

THE CLERK: Might've --

CHAIRMAN STEAD: We had a hand for a moment. I didn't see who it is.

THE CLERK: Oh, there we go.

CHAIRMAN STEAD: There it is. Hickey.

MILENA HICKEY: Actually Steven Hickey -- this is Milena Hickey. He went to work.

CHAIRMAN STEAD: Okay.

MILENA HICKEY: I just wanted to say that he wanted to speak, but he can't right now, and he agrees with a lot that was said.

CHAIRMAN STEAD: Okay, but if he's not here then --

MILENA HICKEY: There's also -- yes. And there's also two people [unintelligible] I know, they couldn't because of -- they didn't have access.

CHAIRMAN STEAD: Okay. Thank you, Milena.

Okay. So then Chester Ball [sic].

He is on the list. Do you see him?

Ballm.

CHESTER BALLM: I'm here now.
CHAIRMAN STEAD: Okay. Great.

CHESTER BALLM: Can you hear me?

CHAIRMAN STEAD: Yes. Please start with your name and address.

CHESTER BALLM: This is Chester Ballm. I am at 9647 West Burnett Drive.

Again the reason why I live in Diamante Subdivision -- I also -- one of the reasons why we purchased here was the fact that, again, we're not on top of our neighbors. We've got space to breathe and live.

And the fact that I have two small children that are going to be going to school up and down Mitchell and some of the other areas -- and we're adding all this traffic.

And one egress out of that neighborhood -- we have three here in Diamante. And even that, we have speeders come down and running down through here, so you're just going to increase our traffic through our neighborhood, because they're going to try to get around Victory and Mitchell or any of the other egresses to get to those neighborhoods.

So...

And I agree with everything that's been presented for the density of the housing. I mean, I
understand that progress has to be made. I get that. But that many houses in that small of an acreage is just too much for this side of the -- this -- I mean, we bought it because it had a rural feel, and that's what we want to keep.

Thank you.

CHAIRMAN STEAD: Thank you, Mr. Ball [sic].

THE CLERK: Madam Chair, we do have someone on the phone. I'm going to allow them to speak.

CHAIRMAN STEAD: Great.

BETTY BERMENSOLO: Hello.

CHAIRMAN STEAD: Yes. We can hear you. Please start with your name and address.

BETTY BERMENSOLO: Yes.

My name is Betty Bermensolo, and I live at 1970 Canonero Way in Boise, and I'm approximately a mile from the property.

I'm sorry. I haven't -- I didn't know that I'd be back in time to follow the meeting, but -- I wanted to add that for years developers have used transitional lot sizes more effectively than this developer has. In other words I live in a 5-acre subdivision and against me is Boulder Creek and Pepper Hills. And up against our 5-acre parcels, they put 1 acre and then half-acre. No problems with
accommodating the number of people that are coming to  
Boise and looking for diversity and looking for  
something that they might not find in other parts of  
Boise. And it's -- it really is a limited  
availability of the kind of privacy and rural feeling  
that could be offered by Boise.  

But, you know, the developers have to look  
at that, and certainly the easiest way to do this is  
to put larger lots against existing Large Lot  
developments. And I think that there certainly is an  
opportunity in subdivisions -- and certainly the Music  
Subdivision is one where this could decrease the  
density. It would certainly afford people coming to  
this area for the same reasons that a lot of people  
have come to this area. They're looking for more  
room. And those lots would be very, very desirable.  

So I hope the City looks at the  
possibility of holding onto a jewel in the Southwest  
rather than letting it go for the highest density.  

The zoning as I understand it means that  
you can go from one to eight or one to five. You can  
start one lot in that zone. You don't have to go to  
the highest allowed density for that zone.  

So there's lots of options that the  
Commission has that I think need to be thought about
tonight, and I would certainly appreciate a very
cautious decision when you look at approving this
subdivision as it stands.

Thank you.

CHAIRMAN STEAD: Thank you.

Okay. So we still have a few names on our
list.

We are going to take a quick five-minute
break and we reconvene at quarter-after. And
hopefully that will give a couple of the people that
have had hard time connecting the opportunity to
connect. And we will be back at it shortly.

THE CLERK: For anyone listening at home again,
that number is 888-475-4499. The webinar ID is
985-8581-4025.

(Recess taken from 3:11:48 of 3:17:10 of
audio file.)

CHAIRMAN STEAD: Okay. We're going to start up
again now.

I'm going to call -- we will call one more
time on people who have signed up that we have not
heard from yet that we know are on the line. And we,
as a Commission, are particularly interested in any
new information outside of the traffic and density comments that we've heard.

So we will try -- we want to try first -- we'll start with Frances Smith. Do we have a Frances Smith on the line?

I do not see that.

Okay. Kurt Sager.

What about Megan Armstrong?

Melissa Shane.

THE CLERK: Madam Chair, there are also a few other attendees that weren't on our advance sign-up sheet.

Abby Losinski.

CHAIRMAN STEAD: Abby, if you'd like to speak tonight, please go ahead. We can hear you now.

ABBY LOSINSKI: Okay. Can you hear me?

CHAIRMAN STEAD: We can hear you. Please start with your name and address, and you'll have three minutes.

ABBY LOSINSKI: Okay.

Abigail [phonetic] Losinski. 9665 West Roan Meadows Court, Boise, Idaho. I'm also in the Diamante Subdivision, and I just would like to agree with what everybody said about the density concerns and overloading the schools and the traffic, and all
those things are very concerning.

I also have two little children, and I don't want them driving through our subdivision to try to avoid traffic, because that would be unsafe for our children.

Thank you.

CHAIRMAN STEAD: Thank you.

If there's anybody new that has joined the call that would like to speak tonight, please virtually raise your hand.

THE CLERK: Madam Chair, the other person that I see is Andrew Odom.

CHAIRMAN STEAD: Andrew, would you like to testify on this item tonight?

Okay. Not hearing from Andrew.

THE CLERK: Madam Chair, I believe that's everyone --

CHAIRMAN STEAD: Okay.

THE CLERK: -- on the attendee list and the sign-up sheet.

CHAIRMAN STEAD: Great.

THE CLERK: I think we can do last call.

CHAIRMAN STEAD: Okay.

So this is the official last call. If you'd like to testify on this item tonight, please
virtually raise your hand.

Okay. Seeing none.

REBUTTAL

CHAIRMAN STEAD: We will move to the Applicant for a five-minute rebuttal.

HETHE CLARK: Thank you, Madam Chair.

So in terms of rebuttal -- again Hethe Clark, 251 East Front Street.

I'll try to hit a couple of items and then wrap up, I think, on the items that were of most -- that we heard the most about.

So with regard to the 3 story question, we did make the representation on the record. That is a commitment. And if folks are more comfortable with that being a condition of approval, we're more than happy to include that.

With regard to emergency access, we have provided all required accesses to meet Code. There is a dual-use emergency access onto Victory road.

With regard to trees, as I mentioned, it appears that we will be able to preserve over 200 trees on this site. That's not a number that I say very often in connection with any application. In addition to that there's at least 300 new trees that will be planted. Trees of course will be on irrigated
Now with regard to the question of what happens after the developer leaves, trees are very expensive to take down. You know, landowners are not going to take those down willy-nilly unless they have to. You know, one thing that is -- we were talking about it while we were listening to the testimony -- that, you know, maybe -- it might be something that we could explore is having a provision in the CC&Rs that speaks to mature trees being removed only if an arborist notes that they're at their end of life or deceased. That's something that we could include in CC&Rs and I think would be something that could be functional. I don't think anything beyond that would be functional. I think folks should be able to take care of their lawns and their landscape.

With regard to the pond, there was some pretty -- kind of direct testimony suggesting that we're stuck with it. Just for reference there used to be three ponds out there. The current landowner has already filled two. There is no requirement that we keep that pond. And Mr. Dunkley was exactly correct. You know, that pond was previously a private amenity. It wasn't something that the public had access to.
This is now something that the public will have access to through the trail system that we are proposing. And you know, we think that's a great amenity, and -- to go back to the PUD topic -- that is something that the PUD allows us to provide.

With regard to traffic, we will be dedicating additional right-of-way along Victory Road and building a left-turn lane on Mitchell. And then I'll just also point out that the -- you know, this is ACHD's staff report. ACHD does have Victory on its CIP for between 2021 and 2025. And again they have approved the project.

With regard to the R-1B zoning. Again R-1B is an approved zone within the Large Lot category of Blueprint Boise. We agree with staff that this zoning designation is appropriate for property that is at the intersection of a Suburban and Large Lot categories on -- in Blueprint Boise and is on a significant transportation corridor. Even with the PUD that's proposed we remain within the R-1B density range.

Now I'll just point out now Mrs. Bermensolo had indicated that it was appropriate to go from 5 acres to 1 acre lots in the development that she was pointing to on the outer periphery.
Proportionally we are not that extreme, and we don't create even that much contrast. Our lots on the southern boundary are larger than what that proportion would dictate.

So let me just end with one note. I've heard the term "smart growth" used a couple of times during the course of this evening. There's been a lot of discussion about, you know, "We should go to half-acre lots and that should be the end of it."

But I think it begs the question of what is smart growth? You know, smart growth is infill. Smart growth is development near transportation corridors. It's development near existing City services with densities that a City can efficiently serve. Half-acre lots on a significant transportation corridor is not smart growth. So I will just leave it at that.

You know, we think that we have addressed the requirements for this application under City Code, we think we've proposed something that appropriately transitions, and we would ask for a recommendation of approval. If it's not the Commission's intent to recommend approval, we would ask for clear direction on the items that we could do in order to gain that recommendation for approval.
And I'm happy to stand for any last questions.

CHAIRMAN STEAD: Thank you, Mr. Clark.

MOTIONS

CHAIRMAN STEAD: At this point we will close the public portion of the hearing, and the item is before the Commission.

COMMISSIONER SCHAFER: Madam Chair.

CHAIRMAN STEAD: Commissioner Schafer.

COMMISSIONER SCHAFER: All right. I'll get this party started and see where we're heading.

I'm going recommend approval of CAR20-5 and SUB20-9 and approve PUD20-13 with the terms and conditions in the staff report as written with the following modifications: I'd like to add a condition that the Applicant submit a Tree Mitigation Plan for the proposed project, and I'd like to remove Condition No. 4 requiring detached sidewalks.

COMMISSIONER GILLESPIE: I'll second that to get the conversation going.

CHAIRMAN STEAD: A second from Commissioner Gillespie.

Discussion.

COMMISSIONER SCHAFER: Madam Chair.

CHAIRMAN STEAD: Commissioner Schafer.
COMMISSIONER SCHAFFER: Lots of good points this evening both for and against. Obviously by my motion, I'm tending towards approval. I do feel that the R-1B zoning is appropriate for this property, as we are in a transition between Ada County and the city of Boise. I feel like the Applicant has addressed the transition between lot sizes pretty effectively, large lots on the south boundary buffering to those larger properties to the south, and then in general, I think, matching the lot sizes across Victory to the north.

There's quite a bit of, obviously, testimony in regards to the buffering or the feel of the development, and we spent a lot -- quite a bit of time discussing the buffer on the south side of the site, but what was neglected was the fact that there are going to be 30-foot landscape buffers along Mitchell and Victory Roads. In addition to that, along Mitchell, you're also going to get a sidewalk, a detached sidewalk, with curb and gutter, so I think that the connectivity issue has been dealt with the with by the Applicant.

I think that, as you look at the site now, with the exception of the large trees on the south property line, there are really no trees at all or landscape along Mitchell or Victory Road. So my view
is that, even though there are going to be potentially
60 homes -- 67 homes in this development, there's also
going to be a 30-foot landscape buffer separating
those homes from the street and from the neighboring
subdivisions.

So to me I feel like that's exactly why we
have landscape buffers, so an occasion like this,
where we're replacing farmland, more agrarian uses,
with development -- those landscape buffers help to
protect the neighboring properties, correct? So I do
want to make that point.

Secondarily, you know, the Applicant spoke
to this towards the end of testimony that, you know,
Fire access has been dealt with. They are providing
the required emergency access points into the site.

And I do agree with the Applicant that the
pond currently is a piece of private property. And
now you're going to have a subdivision with sidewalks
and connectivity to that pond that allow neighbors in
neighboring subdivisions to walk into that
neighborhood and through that common open area. So I
do agree with Applicant in that instance.

I think that also -- the only other point
I'll make right now is that I think that this is a
good opportunity for downsizing. We heard a lot of
testimony from neighbors that love this neighborhood, okay? And a lot of those neighbors love this neighborhood because they live on half-acre lots or one acre lots. So what happens 10, 20, 30, 40 years down the road? They want to stay in the neighborhood, but they can't maintain their property anymore. Well, this would be a great example of something that you could buy to stay in the neighborhood that you love but have less to care for. So I think there's an opportunity here to share this strong neighborhood with another population that maybe doesn't want the large lots.

So those are my two cents. I'd love to hear what my fellow Commissioners have to say.

COMMISSIONER BRATNOBER: Madam Chair.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Yeah.

So I'm opposing this development primarily because of where we are with respect to zoning. The density and the setbacks do not conform to an R-1B zoning that's desired. We've heard most of the people get up and object to that as the primary issue.

The lot sizes are significantly smaller than those of the R-1B developments to the north by probably about 37 percent. And I really can't see a
good reason for those choices except to just jam more units into this property. Trading off the pond as an amenity in return for the excessive density is not a quid pro quo that we should entertain. There's no guarantee how long that pond's going to stick around anyway, as was made very clear by the Applicant and by Mr. Dunkley.

Furthermore, the proposal does not conform to the Comprehensive Plan. And so while that's occasionally or often viewed as, "It's just a guideline" -- in this case we've got an application that goes against the both the Code and the Comp Plan, and that makes it untenable.

I've heard many, many of the neighbors support a subdivision here, a subdivision that respects the surrounding neighborhoods and the character of the area. I also support a subdivision here that conforms to the minimum of 9,000-square-foot lot sizes, puts a reasonable number of lots in there. This plan does not do that and should not be approved.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So -- boy, this is a tough one. Let me just run through my thinking. I'm not sure where I stand with your leave.
So when we really get down to it, the issue here is traffic and also sort of this amorphous issue of there's just too much density. And when you try and drill down on what exactly people are worried about, like what is the actual adverse impact of that density, we heard things like privacy, we heard things like concern about neighbors not -- or complaining about animals, we heard concern about safety of children, we heard concern about, you know, irrigation and drainage. Some of those concerns don't go away if we reduce the density, right?

So, you know, if we put this all R-1A or R-1B and made them conform to those zoning requirements, there would still be big changes on this property one way or the other with respect to some of the wildlife issues and just the idea that there's 18 open acres, right? That's going to go away either way.

So the question I'm struggling with is what's the marginal adverse impact of the extra 20 or 25 houses that go in in the middle of this thing, because along that southern boundary, the Applicant's right. I mean, they're going to be 9 -- there are currently 9 lots to the south, and he is proposing 14 lots facing those 9. So that's a ratio of 1.55 new
lots facing the 9 old lots. So it's hard for me to understand that that in and of itself creates a big transition issue.

So I'm struggling to figure exactly what the difference is in terms of adverse impact between, let's say, the 67 that they proposed and if we made them go back and stick to the R-1B lot sizes, it would go down to 40, say. I'm just guessing. But does that 40 really mitigate the concerns the neighbors had or do they still have the same concerns?

So I'm struggling with that. I'd like to hear other folks' thinking.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: So I'm struggling with a lot of the same things and particularly -- actually before I start, I want to compliment staff and Madam Chair. You guys had a rough night just in terms of managing the phone calls, the chat, the e-mails, the, you know, the attendees on Zoom, the people in person, so I just want to compliment you and say that you've done a really great job.

And I want to respond to the people in the neighborhood by saying that I think -- since people were able to attend by telephone, I think this has
been open to the public, and I'm very comfortable with moving forward. So I just wanted to put that on the record, as well as complimenting staff and our Chair.

With regard to the lot sizes, you know, we -- I struggle with this, too, and I think Commissioner Gillespie's done a really good job of sort of laying that question out there of, like, "Well, so let's bring it down to 40 -- whatever the number would be if we just kept a straight R-1B."

And as always happens, almost always, when we talk about a PUD application, we're talking about what would ultimately result, most likely, in a cookie -- what is a truly cookie cutter subdivision.

So we wouldn't have the type of transition, you know, that relates to and talks to the context of what's around it. We wouldn't most likely have, you know, a path going through it, because it is -- the PUD process is all about this tradeoff between -- you get a little extra density so that you create amenities.

And it is more than -- I'm going to respectfully disagree with the neighborhood person who said, "It's just boulders." It's not just boulders. There is a pond there. There's -- the condition of approval requires a path around the pond, an
accessible path.

So I just -- I think we are dealing with a common problem that we constantly deal with here when we deal with a PUD, which is what is that tradeoff. Well, the tradeoff for density is to have what really amounts to a nicer subdivision. And we were to plat this in a normal R-1B and we just stuck a grid on top of it and didn't have the meandering path and didn't have some of the other things that come with what's in front of us tonight, I think we'd actually end up with fewer trees and, you know, some other problems, and we certainly wouldn't have the pond.

So, you know, I look at the location here, and I look at the aerial photos that are in the staff report. And I appreciate Commissioner Bratnober's calculations of 37 percent, but I also then go back to, "Well, so let's just -- let's make it a one to one ratio," and what are we -- what do we get for that? And I'm not sure that reducing it by that amount -- reducing those -- that percentage difference by that amount is really going to get us what we really are going for.

So I think I'm going to support the motion. I'm pleased that the maker of the motion, Commissioner Schafer, removed the detached sidewalks.
I would be concerned that by putting detached sidewalks and requiring that in this subdivision that we'd reduce the size of the lots even further, so I'm pleased with that and I support that in this particular case. It's not something I'd normally support, but I want to just point out that I think, in this case, it makes sense.

And I also think that, you know, it is in the ACHD staff report that the Capital Improvement Plan includes widening Victory by 2025. And so, you know, by the time this actually gets built out, if in fact it goes that direction, we are going to have a more accommodating roadway for the neighborhood.

So I'm reluctant on this one. I'm of course reluctant to lose those historic houses. And I'll just say, for the record, that it -- being a historic house does not make a beautiful house.

Some -- a lot of people think that, that it's that things that are not beautiful are not worth saving, but that's not actually how assessing a historic house works. And so I really appreciate staff requiring and putting in the conditions that the State Historic Preservation Office will be permitted to record this. And that -- just so everybody knows -- that's on this -- on our Commission, that's actually going to
come out of the developer's pocket. The SHIPO does not pay for that, so that's something the developer's going to have to pay for, to hire somebody to meet that condition. And so I appreciate that they're doing that. I think it's awesome, the stuff that the neighborhood put in our packet. I found it really interesting of course, as a historian, but also -- I do think that there's value in those houses, and I'm really glad they're going to be recorded,, if in fact they get demolished.

So I think I am going to be supporting the motion, and I thank everyone for their time tonight.

CHAIRMAN STEAD: Yeah.

Milt is waving feverishly at the screen in hopes that some of our other Commissioners chime in.

COMMISSIONER BLANCHARD: Madam Chair.

CHAIRMAN STEAD: Commissioner Blanchard.

COMMISSIONER BLANCHARD: All righty. I didn't want to step on my other Commissioners, but I want to thank everybody who came out tonight in whatever setting you came out, whether it was the City Hall or whether it was the call-in or participating virtually.

But just to cut to the chase, I will be supporting the motion. I'm really not wedded to the separated sidewalks one way or the other. It's
probably not something that's really needed within a subdivision with this type of access.

But just to cover a couple of points -- and Commissioner Gillespie really touched on the most important one, which is -- it -- just overwhelmingly my sense is that the neighbors' first preference would be to have nothing happen at all. Second preference would be to have it half-acre lots, which is, just to be frank, in this day and age, in anything that's in the city of Boise's area of impact -- I just cannot see half-acre lots being zoned in the cards, especially in an area like this.

I think even if we were to say, "Okay. Well, then we're going to make every lot in here R-1B and make it conform to that," I don't think they would be happy either. So I just cannot see not allowing this project to go forward in its current manner, just because I think at that point we're just -- we're still going to end up with people having all the exact same concerns.

That said, I'm not at all concerned with the traffic heading south, because Mitchell doesn't go through, so that's not something that I believe is a problem.

I think it's highly unlikely that there's
going to be any cut-through traffic through Diamante, looking at the way that is set up. You would have to exit this proposed subdivision, make one, two, three, four, hard 90-degree turns to cut through that neighborhood, and I can't see anybody doing that, frankly. That just doesn't -- and I'm very sensitive to traffic. I live on the Borah cut-through street. We have 2,000 cars a day. Our family's lived in this house for 29 years, and we're finally getting speed bumps on our streets, after 29 years, to slow down the Borah speedsters. So I get traffic concerns and I get children safety concerns.

I don't see any concerns on that southern side. You've got, one, with the buffer of trees; two -- the houses that are on West Roan Meadows Drive are set to the front of their lots closest to West Roan Meadows drive, and so you're going to have with the backyard setbacks proposed in this proposed subdivision here, I mean, you're going to have these huge buffers. So I just can't see -- I can't see privacy as being, frankly, much of a concern there.

So anyways, that about covers what I had to talk about. So I'll be supporting the motion, and I thank everybody for turning up and bringing up your concerns.
CHAIRMAN STEAD: Any other comments from the Commission?

COMMISSIONER MOHR: Madam Chair.

CHAIRMAN STEAD: Commissioner Mohr.

COMMISSIONER MOHR: I'd just like to say, as well, just the way that the developers approach this with those larger lots kind of on that southern border, keeping that, the existing house, on the large lot, the -- and the pond, as well. Some of those things, they kind of help -- help it feel more like the surrounding neighborhood, while still getting a little bit more density.

But by, you know -- even though some of the dimensions might resemble an R-1C zone, by zoning it as R-1B, they're still limiting that density to a 4.8 units per acre, instead of the 8 units per acre that would be required -- that would be allowed under an R-1C zone. So by placing it R-1B -- and maybe it's smaller lots to resemble -- you're still limiting your density. You're still kind of -- help alleviating some of those concerns, in addition to some of those larger lots that are on the -- on that southern border, too.

So I'll be supporting the motion because of those efforts to kind of help alleviate but also
help transition those larger lots that are existing to the south to the city of Boise and to some of that development to the north, as well.

COMMISSIONER SQUYRES: Madam Chair.

CHAIRMAN STEAD: Commissioner Squyres.

COMMISSIONER SQUYRES: I will be supporting the motion, as well. I would like to thank the developer particularly for what he has agreed to do along the southern boundary with the lot sizes, the setbacks, the home heights, the trees, working with the irrigation. I think this is a well thought-out plan.

The only thing that I wish that we could potentially move forward with is the detached sidewalks. I will always advocate for detached sidewalks. They can be placed within an easement within the yards so it would not reduce the yard size, but that is not a deal-breaker for me. I just like the look of them versus attached.

But I will be supporting the motion. I do appreciate the neighbors' concerns, but this is the Area of Impact. It is growing, and I think the developer has done an adequate job in transition.

Thank you.

CHAIRMAN STEAD: Thank you.

And I will lastly -- well, are there any
further comments from the Commission before I add my
own?

COMMISSIONER BRATNOBER: Madam Chair.

CHAIRMAN STEAD: Oh, Commissioner Bratnober.

COMMISSIONER BRATNOBER: Yeah.

So just to kind of put a cap on my
statements -- it's not like we're talking about small
differences in lot sizes. We're talking about 9,000
to 5,000. Now my belief was that we've got things
written in the Code and the Comprehensive Plan to
guide us. I've heard discussion that, "Well, gee. If
we expand the lot sizes, it's going to make it worse."
I -- that one totally baffles me. That's beyond my
chem there.

And I haven't heard a compelling -- I've
heard people ask, "Gee. How is -- how are smaller lot
sizes going to material affect your life?" Well, it's
character of the neighborhood. Comp Plan relies
heavily on defining characters of neighborhoods.

The other question that hasn't been asked
nearly enough is, "Gee. If you went with something
that actually conformed to R-1B, things would be
hunky-dory." It's a compromise.

Yes, the neighbors would love to see
half-acre lots. Sorry, that's not where we are right
Now as a City, okay?

And obviously the developer would like to get as many of those lots in there as possible. Mr. Clark said he'd like to understand if we didn't like it -- or in this case, me, I guess -- if we didn't like it, what should he do differently? And that's easy. That's very straightforward. Re-plat it as something that conforms to R-1B. Not asking for moving mountains here. But we've got -- I think Commissioner Gillespie said it was about 47 lots or so, give or take. Okay. Over 40 lots that are -- significantly differ from R-1B. And that's what the change would be. That would be the change we'd ask of Mr. Clark and the developer.

But I -- I'm pretty disappointed that we're looking at going for something which deviates so significantly and has been categorically identified by the neighbors as a problem. So those are my final words on the topic except the vote.

CHAIRMAN STEAD: Okay. Thank you.

So just to add my own thoughts here, I do also want to thank staff. This is -- in my couple of years of experience on the Commission, this has been our most successful meeting -- phone, e-mail, online, and in person. And I will be supporting the motion.
I think as the developer mentioned, this is smart growth. We aren't having to extend services, and we are fulfilling the City's Grow Our Housing Initiative with this plan. We need to offer housing options in every neighborhood, big lots, small lots. I think that we are -- we're getting towards providing options.

And there is a traffic plan from ACHD. And the School District and the Fire Departments have both said that this works, and we have to trust our professional experts.

I think with that, we can call for the vote. So we have a motion to recommend approval for CAR20-5, also for SUB20-9, and a motion to approve PUD20-13 with the added conditions of approval of a Tree Mitigation Plan for the project and to remove Condition No. 4 on the detached sidewalks.

ROLL CALL

CHAIRMAN STEAD: Can the clerk please call the vote.

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.

THE CLERK: Schafer.

COMMISSIONER SCHAFER: Aye.

THE CLERK: Squyres.
COMMISSIONER SQUYRES:  Aye.

THE CLERK:  Blanchard.

COMMISSIONER BLANCHARD:  Aye.

THE CLERK:  Mohr.

COMMISSIONER MOHR:  Aye.

THE CLERK:  Stevens.

COMMISSIONER STEVENS:  Aye.

THE CLERK:  Gillespie.

COMMISSIONER GILLESPIE:  Aye.

THE CLERK:  Bratnober.

COMMISSIONER BRATNOBER:  Nay.

THE CLERK:  Seven in favor.  One opposed.

Motion carries.

(End transcription at 3:52:44 of audio file.)

-000-
CAR20-00005, PUD20-00003, & SUB20-00009 / Southpoint, LLC

Summary
Annexation of 19.6 acres located at 9933 & 10151 W Victory Rd with R-1B (Single Family Residential) zoning, and a conditional use permit for a planned residential development comprised of 67 single family homes. A preliminary plat comprised of 67 buildable lots and 6 common lots is also included.

Prepared By
Kevin Holmes, Associate Planner

Recommendation
Approval, with conditions

Reason for the Decision
Annexation
As further detailed in the project report, the annexation complies with the requirements of the Development Code, B.C.C. Section 11-03-04.15, as the property abuts Boise City limits to the north and east and is located within the Boise Area of City Impact and Sewer Planning Area. Comments provided by public agencies confirm that services are available to the site and will have a minimal impact on cost of services as the property is adjacent to land already within City limits. While the property is currently zoned RSW (Southwest Community Residential) within Ada County, the R-1B zone is appropriate for the site as it is designated as “Large Lot” on the Comprehensive Plan Land Use Map.

Planned Unit Development
The residential planned unit development, as conditioned, is consistent with the approval criteria of B.C.C. Section 11-03-04.07 (Planned Unit Development) and Section 11-07-06.05 (Planned Unit Development Standards). The development will be compatible with surrounding uses as residential subdivisions of similar densities are adjacent to the site to the north. An appropriate decrease in density and larger lot dimensional standards are provided along subdivision boundaries to adequately transition to the existing larger lots surrounding the property. The site is large enough to accommodate the development without adversely impacting other properties in the vicinity, and comments received from public agencies confirm the use will not place an undue burden on the transportation system or other services in the vicinity. The development is supported by the Comprehensive Plan as it lists detached single-family homes as the primary use for land designated as “Large Lot” on the Land Use Map. With the recommended conditions of approval, the roadway and pedestrian layout meets numerous Comprehensive Plan goals and policies related to connectivity within new developments (Goal CC 7.1, Goal CC 7.2, Principle GDP-N.1, Principle GDP-N.5, Principle SW-CCN 2.7, and Principle SW-C 1.4) and, the amenities provided meet Blueprint Boise goals related to preserving existing natural features which are accessible by all (Principle GDP-N.2 and Principle GDP-N.8).

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online.
Summary of changes:
We’ve heard feedback from the neighbors and from the City and have made the following changes to the proposed subdivision as a result of that feedback:

- Increased the amenities package
- Reduced the number of lots along the south property line
- Increased the size of lots along southern property line to meet R-1B standard
- Wood fencing throughout the project
- Providing 2 trees per residential lot

Attached for your review and favorable consideration are the applications for the Music Residential Community located on the southwest corner of S. Mitchell Street and W. Victory Road. We respectfully request approval of our Annexation, Planned Unit Development and Preliminary applications.

For design and planning purposes, our design team used the Boise City Pre-application Meeting, Comprehensive Plan, and Zoning Code as the basis for the design of the Music Neighborhood. We have thoughtfully designed 67 single-family residential dwellings on 19.60 acres that will add to the surrounding neighborhood. Located on the southwest corner of S. Mitchell Street and W. Victory Road, the Music neighborhood will add to the mix of Boise’s available housing opportunities. Offsite amenities include Molenaar Park within 1 mile, Amity Elementary and West Jr. High within 1.5 miles, and a large variety of retail, restaurants and entertainment options are within 3 miles of the site. This Project will provide much needed housing in the area.

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<tr>
<td>Preliminary Plat</td>
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**Exhibit A – Vicinity Map**

North: W. Victory Road  
East: S. Mitchell Street  
South and West: Roan Meadows Sub., Zoned R1 (Ada County)
The attached applications are an Annexation, Preliminary Plat and Planned Unit Development. The property is currently zoned RSW (Southwest Community Residential). We are requesting to annex and zone the property as R-1B (single-family residential). The R-1B zoning district allows for a maximum of 4.8 dwelling units per acre. Our proposal falls well short of the maximum allowed density for the zoning district at 3.37 dwelling units per acre.

**Exhibit D – Preliminary Plat/PUD**

The Music neighborhood includes 67 single-family homes. The subject property is adjacent to a transit corridor and has utilities that are available and can be utilized with no additional burden to the City or taxpayers.

DENSITY: The R-1B zoning allows for up to 4.8 units per acre per Chapter 11 of the zoning code; at 19.60 acres, the maximum density allowed is 94 lots. The Music neighborhood proposes 67 single family homes at 3.37 dwelling units per acre.

PRODUCT / LOT SIZES: We evaluated the area, market conditions, schools, services and nearby recreation to establish the housing product and associated site plan. Consistent with the existing community and the Comprehensive Plan, we have designed a site plan that consists of a mixture of residential lot sizes. The housing renderings included in Exhibit D are representative of what is anticipated to be constructed in the Music neighborhood.

RESIDENTIAL DESIGN: The Music Neighborhood consists of detached homes that will be a mixture of one, two and three-stories. Home sizes will range from approximately 1,800 square feet to approximately 2,600 square feet. Lots range in sizes from 5,040 to 57,502 square feet, with an average of 8,573 square feet.

EXISTING HOME: The existing home currently addressed as 10151 W. Victory Road will remain and become part of the development. The homes and other structures currently located at 9933 W. Victory Road will be removed as part of the development.

TRANSITION: We have designed the subdivision to buffer the existing homes adjacent to the west and south boundaries with parcels that are comparable in size and the density. The density will increase as you get closer to Victory Road.

DIMENSIONAL STANDARDS: As part of a planned unit development, an applicant may request modifications from the standard dimensional requirements for the underlying zoning district. The following setbacks and standards would be applicable to Voyager:

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<tr>
<th>Dimensional Standard</th>
<th>R-1B</th>
<th>Proposed Minimum</th>
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<tr>
<td>Average Lot Width, Minimum</td>
<td>75 feet</td>
<td>65 feet</td>
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<tr>
<td>Front Yard, Minimum</td>
<td>20 feet</td>
<td>20 feet</td>
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<tr>
<td>Side Yard Interior, Minimum</td>
<td>10 feet</td>
<td>5 feet</td>
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<tr>
<td>Street Yard, Minimum</td>
<td>20 feet</td>
<td>20 feet</td>
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<tr>
<td>Rear Yard, Minimum</td>
<td>30 feet</td>
<td>15 feet/30 feet*</td>
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<tr>
<td>Lot Area, Minimum</td>
<td>9,000 sq. ft.**</td>
<td>5,040 sq. ft.***</td>
</tr>
<tr>
<td>Density</td>
<td>4.8 DU/Acre</td>
<td>3.37 DU/Acre</td>
</tr>
</tbody>
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*Lots along the southern boundary will have a 30 feet rear setback
**Lots along the southern boundary will be a minimum of 9,000 sq. ft.
***Lot sizes range from 5,040 Square feet to approximately 1.3 acres
Exhibit E – Amenities/Landscape

As the developer we have a large amount invested in this property as we have researched and followed the city ordinance to plan the most productive amenities for this area and this development. The amenity package also meets the requirement of Boise City Development Code Chapter 11-03, Subsection 7 which requires that the application have two amenities from the approved list.

1. Amenities
   a. **Section 11-07-06 5.B.a. Water Conservation Measures**
      
      This project will employ best water conservation management practices for the common areas as well as the individual homes sites such as:
      
      i. **Lawns**
         1. Use drought tolerant fescue blend turf.
         2. Irrigate lawns with efficient MP pop-up spray rotors.
         3. Pressure control all Hydro-zones
      
      ii. **Plant beds:**
         1. Use at least 75% drought tolerant plants (trees, shrubs and ground covers).
         2. Mulch all planting beds.
         3. Drip irrigate all plants in planting beds.

   b. **Section 11-07-06 5.B.b. Private recreational facility, tennis court, playground, or picnic area, in scale with the development.**
      
      Our proposal is to enhance the central common lot with a large pond, a 4’ gravel walking path, seating areas, a shade structure and climbing boulders and two pedestrian connections to Victory Road.
      
      The pond will be both functional and aesthetically pleasing and will serve as a storage for irrigation water. It will hold a certain amount of water year-round. The proposed amenities will be available to all residents of the development.

   c. **Section 11-07-06 5.B.c. Landscape Open Space of at least Ten Percent of Gross Development Area.**
      
      We are providing approximately 2.53 acres or 12.9% landscaped open space for the development. The open space will be accessible to all residents of the development.

2. Trees
   a. There are approximately 120 trees of various species on the property, with the majority of consisting of Austrian Pine and Blue Spruce. There are several other species on the property as well, however, such as Silver Maple and Weeping Willow to name a few.

   
   | Trees proposed along Victory: | 54 |
   | Trees proposed along Mitchell/Entry: | 56 |
   | Trees proposed on internal common lots: | 55 |
   | Trees proposed per lot (2): | 132 |
   | Total new trees proposed: | 297 |
   | Trees requiring mitigation: | 120 |
   | **Net Gain** | **177** |

3. Fencing:
   a. Planning staff has asked us to propose wood fencing for the development and we are happy to comply with that request. The fence will be made of cedar and will have a stain that minimizes the appearance of weathering.
Proposed Landscape plan
Exhibit F – Residential Design

The proposed homes are one and two-story homes ranging in size from approximately 1,800 square feet to roughly 2,600 square feet. We have designed the subdivision to buffer the existing homes adjacent to the west and south boundaries with parcels that are comparable in size and the density. The density will increase as you get closer to the center of the subdivision.

The homes will be similar in style and size to existing homes in the area and will help provide greatly needed housing stock to the area on two parcels that have been under-developed for years.

The following elevations and floor plans are meant to be examples of what could be built in the development and are subject to change.
COMPREHENSIVE PLAN GOALS

The following goals of the Boise City Comprehensive Plan are achieved with the approval of Voyager:

Goal PDP5: Require adequate public facilities and infrastructure for all development.
Boise City has existing facilities to provide sewer to this site. With very few parcels remaining this will assist with City budgets as there will be added users to contribute to the operation of an existing system. Suez also has facilities adjacent to the property that have adequate capacity to serve the Music Neighborhood.

Goal NAC3.1.a.: Infill Design Principles. Encourage residential infill that complements the scale and character of the surrounding neighborhood.
Music is an infill development that will add much needed roof tops near City Services, Shopping and Civic Facilities.

Goal NAC7: Facilitate an integrated mix of housing types and price ranges in neighborhoods.
The Music Subdivision will add to the existing home types in the neighborhood by providing a housing type that currently doesn't exist in the area.

Goal NAC7.1: Mix of Housing. Encourage a mix of housing type and densities in residential neighborhoods, particularly for projects greater than two acres.
The two goals above are being achieved by providing another housing option to the existing neighborhood. A diversity of housing types and lot sizes that attract families with children is also encouraged.

MODIFICATION OF BOISE CITY CODE

The applicant requests a modification to allow the garage faces to be setback 20 feet from the back of sidewalks. Approval of this modification does not affect the 20-foot stacking for a parked car as it relates to the sidewalk, allowing the parked car in the driveway without causing interference with the sidewalks.

PRE-APPLICATION MEETING & NEIGHBORHOOD MEETING

The Pre-application meeting was held with the Boise City planning and development staff on December 19, 2019. The neighborhood meeting was held on January 13, 2020 at 6:00pm at the Ada Victory Branch of the Ada County Public Library, 10664 W. Victory Road Boise, ID 83709.
Exhibit H – Site Photos

Aerial View of the site looking north

Property from Mitchell Street looking west
Property from Victory Road looking northeast

Property from Victory Road looking northwest
### Property Information

**Address**

<table>
<thead>
<tr>
<th>Street Number:</th>
<th>Prefix:</th>
<th>Street Name:</th>
<th>Unit #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>9933</td>
<td>W</td>
<td>VICTORY RD</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subdivision name:</th>
<th>Block:</th>
<th>Lot:</th>
<th>Section:</th>
<th>Township:</th>
<th>Range:</th>
<th>Zoning:</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEC 26 3N 1E</td>
<td>0</td>
<td>0</td>
<td>26</td>
<td>3</td>
<td>1</td>
<td>RSW</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Parcel Number:</th>
<th>Additional Parcel Numbers:</th>
</tr>
</thead>
<tbody>
<tr>
<td>51126212402</td>
<td></td>
</tr>
</tbody>
</table>

**Primary Contact**

*Who is responsible for receiving e-mail, uploading files and communicating with Boise City?*

- [x] Agent/Representative
- [ ] Applicant
- [ ] Owner

### Applicant Information

<table>
<thead>
<tr>
<th>First Name:</th>
<th>Last Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Josh</td>
<td>Beach</td>
</tr>
</tbody>
</table>

**Company:**

Southpoint, LLC

<table>
<thead>
<tr>
<th>Address:</th>
<th>City:</th>
<th>State:</th>
<th>Zip:</th>
</tr>
</thead>
<tbody>
<tr>
<td>P.O. Box 6385</td>
<td>Boise</td>
<td>ID</td>
<td>83707</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E-mail:</th>
<th>Phone Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:southpointoverland@gmail.com">southpointoverland@gmail.com</a></td>
<td>(801) 647-9290</td>
</tr>
</tbody>
</table>

### Agent/Representative Information

<table>
<thead>
<tr>
<th>First Name:</th>
<th>Last Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Josh</td>
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**Company:**

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<td><a href="mailto:southpointoverland@gmail.com">southpointoverland@gmail.com</a></td>
<td>(801) 647-9290</td>
</tr>
</tbody>
</table>

### Owner Information

*Same as Applicant? [ ] No  [ ] Yes (If yes, leave this section blank)*

<table>
<thead>
<tr>
<th>First Name:</th>
<th>Last Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark</td>
<td>Dunkley</td>
</tr>
</tbody>
</table>

**Company:**

<table>
<thead>
<tr>
<th>Address:</th>
<th>City:</th>
<th>State:</th>
<th>Zip:</th>
</tr>
</thead>
<tbody>
<tr>
<td>10151 W. Victory</td>
<td>Boise</td>
<td>ID</td>
<td>83707</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E-mail:</th>
<th>Phone Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:southpointoverland@gmail.com">southpointoverland@gmail.com</a></td>
<td>(801) 647-9290</td>
</tr>
</tbody>
</table>
Project Information

Is this a Modification application?  
[ ] Yes  [ ] No  
File number being modified:  

1. Neighborhood Meeting Held (Date):
   01/13/2020

2. Neighborhood Association:
   Southwest Ada County Alliance

3. Comprehensive Planning Area:
   Southwest

4. This application is a request to construct, add or change the use of the property as follows:
   The annexation from RSW to R-1B, subdivision and preliminary plat consisting of 68 residential lots and 6 common lots on 
   19.599 acres.

5. Size of Property:
   19.599 Acres  [ ] Square Feet

6. Water Issues:
   A. What are your fire flow requirements? (See International Fire Code):

      gpm
   
   B. Number of hydrants (show location on site plan):
      Note: Any new hydrants/hydrant piping require Suez Water approval.
      Number of Existing:  
      Number of Proposed:  
   
   C. Is the building "sprinklered"?  
      [ ] Yes  [ ] No
   
   D. What volume of water is available? (Contact SUEZ (208) 362-7354):
      2000  
      gpm

7. Existing uses and structures on the property are as follows:
   There are several homes, outbuildings and other structures on the site.

8. Are there any hazards on the property?
   (Such as canals, hazardous material spills, soil or water contamination.) If so, describe them and give their locations:
   There is a large pond on the site, and Farmers Lateral crosses the site as well.

9. Adjacent property information:
<table>
<thead>
<tr>
<th>Building types and/or uses</th>
<th>Number of Stories</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: Residential</td>
<td>2</td>
<td>(R-1B) Single Family Residential</td>
</tr>
<tr>
<td>South: Residential</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>East: Residential</td>
<td>2</td>
<td>(R-1A) Single Family Residential</td>
</tr>
<tr>
<td>West: Residential</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>
10. Non-Residential Structures:
   A. Number of Proposed non-residential structures: 0

   Square footage of proposed non-residential structures or additions (if 5+ floors, attach narrative with chart):

<table>
<thead>
<tr>
<th>Gross Square Feet</th>
<th>Net Leasable Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Floor</td>
<td>0</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>0</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>0</td>
</tr>
<tr>
<td>4th Floor</td>
<td>0</td>
</tr>
</tbody>
</table>

   B. Maximum Proposed Height: 35
   C. Number of stories: 0
   D. Number of EXISTING non-residential structures to remain: 0

   Square footage of existing non-residential structures or additions (if 5+ floors, attach narrative with chart):

<table>
<thead>
<tr>
<th>Gross Square Feet</th>
<th>Net Leasable Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Floor</td>
<td>0</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>0</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>0</td>
</tr>
<tr>
<td>4th Floor</td>
<td>0</td>
</tr>
</tbody>
</table>

   E. Existing Structure Height(s): 0
   F. Number of Stories: 0

11. Residential Structures:
   A. Number of Proposed residential units (if applicable): 67

   B. Size of Proposed residential structures (if applicable):

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Square Foot per Unit</th>
<th>Total Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Bedroom:</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Two-Bedroom:</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Three-Bedroom:</td>
<td>67</td>
<td>2500</td>
</tr>
<tr>
<td>Other:</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Number:</td>
<td>67</td>
<td>2600</td>
</tr>
</tbody>
</table>

   C. Number of Existing units to remain: 1
   D. Maximum Proposed Structure Height(s): 35
   E. Number of Stories: 2
12. Site Design:
   A. Percentage of site devoted to building coverage: 50
   B. Percentage of site devoted to landscaping: 31.3
   C. Percentage of site devoted to paving: 18.7
   D. Percentage of site devoted to other uses: 0
   E. Describe other use:

13. Loading Facilities, if proposed (For Commercial uses only):
   Number: __________________________ Location: __________________________
   Size: __________________________ Screening: __________________________

14. Parking:
   A. Handicapped Spaces: __________________________ Required __________________________
      Proposed __________________________ Handicapped Spaces: __________________________
   B. Parking Spaces: __________________________ Proposed __________________________
   C. Bicycle Spaces: __________________________ Proposed __________________________
   D. Proposed Compact Spaces: __________________________
   E. Restricted (assigned, garage, reserved spaces) parking spaces proposed: __________________________
   F. Are you proposing off-site parking? Yes ☐ No ☐ If yes, how many spaces? __________________________
   G. Are you requesting shared parking or a parking reduction? Yes ☐ No ☐ If yes, how many spaces? __________________________

   Note: If you are requesting shared parking or a parking reduction, you must submit a survey of persons using and working on the premises and any additional information demonstrating that use by the regular employees and visitors to the premises will require fewer off-street parking spaces than required by the Zoning Ordinance.

15. Setbacks (Plans that are not graphically dimensioned will not be accepted.)

<table>
<thead>
<tr>
<th>Building</th>
<th>Proposed</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear</td>
<td>15</td>
<td>30</td>
</tr>
<tr>
<td>Side 1</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Side 2</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Proposed</th>
<th>Required</th>
</tr>
</thead>
</table>

16. Waivers Requested:
   A. Lot size: Yes ☐ No ☐ Description: A waiver is requested to reduce the residential size of lots to 5,040 square ft.
   B. Internal Setbacks: Yes ☐ No ☐ Description: A waiver is requested to reduce internal side yard setbacks to 5 feet.
   C. Frontage: Yes ☐ No ☐ Description:
17. Sidewalks:
- Proposed: Attached
- Adjacent: Attached

18. Amenities:
- Number: 5
- Description: We are proposing water conservation measures, a pond, climbing boulders, walking path, and benches.

19. Density:
- Allowed Density: 4.8
- Proposed Density: 3.47

20. Building Exterior:
<table>
<thead>
<tr>
<th>Materials</th>
<th>Colors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof:</td>
<td>Shingle</td>
</tr>
<tr>
<td>Walls:</td>
<td>Vinyl Siding</td>
</tr>
<tr>
<td>Windows/Doors:</td>
<td>Vinyl</td>
</tr>
<tr>
<td>Fascia, Trim etc.:</td>
<td>Vinyl</td>
</tr>
</tbody>
</table>

21. Drainage: Shallow surface detention with sand center and filter

22. Floodways & Hillsides:
- A. Is any portion of this property located in a Floodway or a 100-year Floodplain? ☐ Yes ☐ No
- B. Does any portion of this parcel have slopes in excess of 15%? ☐ Yes ☐ No

Note: If the answer to either of the above is yes, you will be required to submit an additional Floodplain and/or Hillside application and additional fee. You must submit the additional required application(s) for review at the same time as this request.

23. Airport Influence Area:
- Is the subject site located within the Airport Influence Area? (If yes, please mark which area.) ☐ No ☐ Area A ☐ Area B ☐ Area B1 ☐ Area C
24. Street Layout:

A. PUBLIC Street Layout Review

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) will be generally required by the Ada County Highway District, if the proposed development contains no more than 100 dwelling units (includes hotels and motels as well as private dwelling units), more than 30,000 square feet of commercial use, or more than 50,000 square feet of industrial or institutional use, or has associated it with special circumstances deemed by ACHD to warrant an impact study. A copy of this study must be submitted with this application.

Is a Traffic Impact Study required?

☑️ Yes  ☐ No

B. PRIVATE Street Layout Review

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A "Traffic Impact Study" (TIS) prepared by a traffic engineer will be required by Public Works and Planning & Development Services for the interior roadway and parking system. This requirement may be waived when it can be shown by the applicant that no section of on-site roadway will exceed 240 vehicle trips per day.

Is a Traffic Impact Study required?

☑️ Yes  ☐ No

Are you proposing public street connection to adjacent properties?

☑️ Yes  ☐ No

25. Solid Waste:

A. Type of trash receptacles:

☑️ Individual Can/Residential  ☐ 3 Yd Dumpster  ☐ 6 Yd Dumpster  ☐ 8 Yd Dumpster  ☐ Compactor

B. Number of trash receptacles:

68

C. Proposed screening method:

TBD

D. Is the proposed location accessible for collection? (Contact Boise Public Works at 384-3901.)

☑️ Yes  ☐ No

E. Is recycling proposed?

☑️ Yes  ☐ No

Verification of Legal Lot or Parcel Status

Acceptance of this application does not validate the legal status of any lot or parcel. Prior to submitting for a Building Permit you must have a Verification of Legal Parcel Status form signed by the Boise City Subdivision Department. It is the applicant's responsibility to provide deeds and/or other documentation to the Subdivision Department. See Verification of Legal Lot or Parcel Worksheet for submittal requirements.

The undersigned declares that the above provided information is true and accurate.
The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongly issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature: ____________________________

Date: ____________________________
Property Information

Address

Street Number: 9933
Prefix: W
Street Name: VICTORY RD

Subdivision name: SEC 26 3N 1E
Block: 0
Lot: 0
Section: 26
Township: 3
Range: 1
Zoning: RSW

Parcel Number: S1126212402

Additional Parcel Numbers: S1126212602

Primary Contact

Who is responsible for receiving e-mail, uploading files and communicating with Boise City?

- [ ] Agent/Representative
- [ ] Applicant
- [ ] Owner

Applicant Information

First Name: Josh
Last Name: Beach
Company: Southpoint, LLC
Address: P.O. Box 6385
City: Boise
State: ID
Zip: 83707
E-mail: southpointoverland@gmail.com
Phone Number: (801) 647-9290
Cell: 
Fax: 

Agent/Representative Information

Role Type: [ ] Architect
[ ] Land Developer
[ ] Engineer
[ ] Contractor
[ ] Other

First Name: Josh
Last Name: Beach
Company: Southpoint, LLC
Address: P.O. Box 6385
City: Boise
State: ID
Zip: 83707
E-mail: southpointoverland@gmail.com
Phone Number: (801) 647-9290
Cell: 
Fax: 

Owner Information

Same as Applicant? [ ] No [ ] Yes 
(If yes, leave this section blank)

First Name: Mark
Last Name: Dunkley
Company: 
Address: 10151 W. Victory
City: Boise
State: ID
Zip: 83709
E-mail: southpointoverland@gmail.com
Phone Number: (801) 647-9290
Cell: 
Fax: 

1. Type of Application:
- Preliminary
- Final
- Preliminary/Final

2. Proposed Subdivision/Condominium Name:
Music Subdivision
Note: Must be approved by the Ada County Surveyor.

3. Cross Reference Files:
Please list any previously approved or currently associated file(s):
CAR20-00005

4. Subdivision/Condominium Features:
Number of buildable lots/units: 68
Number of common lots/units: 5
Buildable lots/units per acre: 3.47
Total acres in subdivision: 19.599
Zoning Classification: R-18

5. Building Program:
Number of Existing Buildings: 7
Number of Existing Buildings to Remain: 2
Type of Existing Buildings:
- Residential
- Commercial
- Industrial
- Mixed Use

If Residential What Type? Single Family
If Proposed Buildings:
- Residential
- Commercial
- Industrial
- Mixed Use

If Residential What Type? Single Family

6. Waivers or Modifications:
Are any waivers/modifications being requested from the Subdivision Ordinance?
- Yes
- No

If yes, please include a detailed explanation in your letter.
An additional waiver/modification review fee must be paid at the time of submittal.

7. Private Streets:
Are private streets proposed?
- Yes
- No

If yes, please provide justification in the letter of explanation.
An additional private street review fee must be paid at the time of submittal.
8. Public Streets:

Number of new public streets proposed: 6

9. Floodways & Hillsides:

Is any portion of this property located in a Floodway or a 100-year Floodplain?  
Yes  No

Does any portion of this parcel have slopes in excess of 15%?  
Yes  No

Note: If the answer to either of the above is yes, you will be required to submit an additional #112 Floodplain and/or #114 Hillside application and additional fee.

11. Airport Influence Area:

Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)

No  Area A  Area B  Area B1  Area C

The undersigned declares that the above provided information is true and accurate. The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature: ____________________________

Date: ____________________________
Planning Division Project Report

File Number
CAR20-00005, PUD20-00003, & SUB20-00009

Applicant
Josh Beach / Southpoint, LLC

Property Address
9933 & 10151 W Victory Rd

Public Hearing Date
June 8, 2020

Heard by
Planning and Zoning Commission

Analyst
Kevin Holmes, Associate Planner

Reviewed By
Céline Acord, Current Planning Manager

Public Notification
Neighborhood meeting conducted on: January 13, 2020.
Radius notices mailed to properties within 300 feet on: May 22, 2020
Newspaper notification published on: May 22, 2020
Applicant posted notice on site on: May 25, 2020

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1. Project Data and Facts ................................................................. 2
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3. Project Proposal ........................................................................ 3
4. Development Code ................................................................... 4
5. Comprehensive Plan ................................................................ 4
6. Transportation Data ................................................................. 4
7. Analysis .................................................................................... 6
8. Approval Criteria ...................................................................... 12
9. Recommended Conditions of Approval .................................... 16

Exhibits
Agency Comments
Public Comments
1. Project Data and Facts

<table>
<thead>
<tr>
<th>Project Data</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property Owner</strong></td>
</tr>
<tr>
<td><strong>Representative</strong></td>
</tr>
<tr>
<td><strong>Location of Property</strong></td>
</tr>
<tr>
<td><strong>Size of Property</strong></td>
</tr>
<tr>
<td><strong>Zoning (Existing)</strong></td>
</tr>
<tr>
<td><strong>Zoning (Proposed)</strong></td>
</tr>
<tr>
<td><strong>Land Use Designation</strong></td>
</tr>
<tr>
<td><strong>Planning Area</strong></td>
</tr>
<tr>
<td><strong>Neighborhood Assoc./Contact</strong></td>
</tr>
<tr>
<td><strong>Procedure</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Current Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three single-family homes.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description of Applicant's Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant requests annexation of 19.6 acres located at 9933 &amp; 10151 W Victory Rd with R-1B (Single Family Residential) zoning, and a conditional use permit on 18.54 acres for a planned residential development comprised of 67 single family homes. A preliminary plat comprised of 67 buildable lots and 6 common lots is also included.</td>
</tr>
</tbody>
</table>

2. Land Use

<table>
<thead>
<tr>
<th>Description and Character of Surrounding Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>The property is located southwest of the Victory Road and Mitchell Street intersection, minor arterial and collector roadways respectively. Single-family residential neighborhoods surround the site. To the north, across Victory Road, residential lots range in size from approximately 7,000 square feet to 10,000 square feet. To the east, lots average a half-acre in size. The surrounding residential areas to the south and west remain unincorporated and average an acre in size. Molenaar Park and Maple Grove Elementary School are approximately 2/3 of a mile to the northeast.</td>
</tr>
</tbody>
</table>
Adjacent Land Uses and Zoning

<table>
<thead>
<tr>
<th>North</th>
<th>Victory Road then Single-Family Homes / R-1B (Single-Family Residential, Suburban)</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Single-Family Homes / RSW (Southwest Community Residential- Ada County)</td>
</tr>
<tr>
<td>East</td>
<td>Single-Family Homes / RSW (Southwest Community Residential- Ada County)</td>
</tr>
<tr>
<td>West</td>
<td>Mitchell Street then Single-Family Homes / R-1A (Single-Family Residential, Large Lot)</td>
</tr>
</tbody>
</table>

Special Considerations

A section of the Farmers Lateral runs through the northern portion of the site with a 60-foot-wide easement. Correspondence received from the Nampa & Meridian Irrigation District details that this easement prohibits any building construction or the planting of trees. No specific plans for how the accommodation of this facility is to be achieved have been submitted by the applicant. If significant changes to the layout of the project are necessary, a modification to any approvals or permits could be required.

3. Project Proposal

Structure(s) Design

<table>
<thead>
<tr>
<th>Number and Proposed Use of Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>67 detached single-family homes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Stories / Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two story buildings under 35 feet in height</td>
</tr>
</tbody>
</table>

PUD Amenities

A 36,877 square foot central common area with a pond, walking path, seating areas, and climbing boulders, water conservation measures, and landscaped open space of 12.9% of the area of the development.

Setbacks & Dimensional Standards

<table>
<thead>
<tr>
<th>Dimensional Standard</th>
<th>R-1B Standards</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width, Minimum</td>
<td>75'</td>
<td>50'</td>
</tr>
<tr>
<td>Front/Street Yard Setback</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Side Yard Interior Setback</td>
<td>10'</td>
<td>5'</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>30'</td>
<td>15' / 30'</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>9,000 Sq. Ft.</td>
<td>5,040 Sq. Ft. / 9,000 Sq. Ft.**</td>
</tr>
</tbody>
</table>

* Lot 27, 35-47, Block 1 proposed to include 30’ rear yard setbacks.
** Lot 27, 35-47, Block 1 proposed to include a minimum 9,000 sq. ft. lot area.

Parking

Each dwelling within this development will have a minimum of two off-street parking spaces.
4. Development Code (Boise City Code Title 11)

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-03-04.4</td>
<td>Subdivision Plat</td>
</tr>
<tr>
<td>11-03-04.7</td>
<td>Planned Unit Development Specific Procedures</td>
</tr>
<tr>
<td>11-03-04.15</td>
<td>Annexation</td>
</tr>
<tr>
<td>11-04-03.1</td>
<td>Residential Districts</td>
</tr>
<tr>
<td>11-07-03</td>
<td>Off-Street Parking &amp; Loading Standards</td>
</tr>
<tr>
<td>11-07-04</td>
<td>Connectivity</td>
</tr>
<tr>
<td>11-07-06.5</td>
<td>Planned Unit Development Standards</td>
</tr>
<tr>
<td>11-09</td>
<td>Subdivision Standards</td>
</tr>
</tbody>
</table>

5. Comprehensive Plan (Blueprint Boise)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Goals, Objectives &amp; Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 2: Citywide Vision &amp; Policies</td>
<td>Goal ES6</td>
</tr>
<tr>
<td></td>
<td>Principle ES9.1</td>
</tr>
<tr>
<td></td>
<td>Principle PDP3.2</td>
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<tr>
<td></td>
<td>Goal PDP5</td>
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<tr>
<td></td>
<td>Goal NAC3.1</td>
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<td></td>
<td>Goal NAC3.2</td>
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<td></td>
<td>Principle NAC15.3</td>
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<tr>
<td></td>
<td>Goal NA11.3</td>
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<tr>
<td></td>
<td>Goal CC7.1</td>
</tr>
<tr>
<td></td>
<td>Goal CC7.2</td>
</tr>
<tr>
<td>Chapter 3: Community Structure and Design</td>
<td>Large Lot Land Use Category</td>
</tr>
<tr>
<td></td>
<td>Principle GDP-N.1</td>
</tr>
<tr>
<td></td>
<td>Principle GDP-N.2</td>
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<td>Principle GDP-N.5</td>
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<td></td>
<td>Principle GDP-N.8</td>
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<tr>
<td></td>
<td>Principle GDP-N.9</td>
</tr>
<tr>
<td>Chapter 4: Planning Area Policies</td>
<td>Principle SW-CCN 2.7</td>
</tr>
<tr>
<td></td>
<td>Principle SW-C 1.4</td>
</tr>
<tr>
<td></td>
<td>Goal SW-PSF 1</td>
</tr>
</tbody>
</table>

6. Transportation Data

Per the Ada County Highway District (ACHD) Project Report dated April 29, 2020, this development is estimated to generate 604 new vehicle trips per day, with 64 during the PM Peak Hour, based on the Institute of Transportation Engineers Trip Generation Manual, 10th Edition. The average daily traffic count for Victory Road west of Michell Street was 14,283 on October 10, 2019. The average daily traffic count for Michell Street north of Bienapfl Drive was 709 on March 28, 2019.
The existing traffic count on Victory Road exceeds the acceptable level of service planning threshold for a three-lane minor arterial. The estimated trips generated from this development will contribute 7% of the total peak PM hour traffic. Per ACHD Policy 7205.3.1, developments which generate less than 10% of intersection peak hour traffic are not required to provide traffic mitigation measures or roadways improvements. A left turn lane from Mitchell Street to Victory Road is a specific condition of approval from ACHD.

Primary vehicle access to the development is proposed from Mitchell Street, with pedestrian and emergency connections proposed to Victory Road. The Master Street Map identifies this section of Victory Road as a five-lane arterial, with the improvements listed in the Capital Improvements Plan to be widened to 5-lanes between 2021 and 2030. Right-of-way (ROW) dedication of 48-feet from the section-line of Victory Road is required by ACHD for these eventual improvements. This is 8 more feet than shown by the applicant in their submittal as they provided measurements based off the centerline of Victory Road. Internal circulation is proposed to be provided via local streets with 27-foot street sections and rolled curb and gutter. This width accommodates on-street parking on one side of the street. ACHD is requiring traffic calming measures be included as a condition of approval for W La Jolla St.

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>PM Peak Hour Traffic Count</th>
<th>PM Peak Hour Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victory Road</td>
<td>1,301'</td>
<td>Minor Arterial</td>
<td>865</td>
<td>“F” *</td>
</tr>
<tr>
<td>Mitchell Street</td>
<td>613’</td>
<td>Collector</td>
<td>48</td>
<td>Better than “D” **</td>
</tr>
</tbody>
</table>

*Acceptable level of service for a three-lane minor arterial is “E” (720 VPH).
**Acceptable level of service for a two-lane collector is “D” (425 VPH).
7. Analysis

The applicant requests annexation of 19.6 acres located at 9933 & 10151 W Victory Rd with R-1B (Single Family Residential) zoning, and a conditional use permit on 18.54 acres for a planned residential development comprised of 67 single family homes. A preliminary plat comprised of 67 buildable lots and 6 common lots is also included. The site is located within the Boise Area of City Impact, on the south side of Victory Road. Residential subdivisions annexed into the City are to the north and east. The neighborhood to the north is zoned R-1B with lot sizes ranging from approximately 7,000 square feet to 10,000 square feet. To the east, the neighborhood is zoned R-1A and lots are approximately one-half acre in size. To the south and west, properties are zoned Southwest Community Residential (RSW) with Ada County with average lot sizes of one acre.

The subject property is currently zoned RSW (Southwest Community Residential) within Ada County, which has a maximum residential density of 0.4 units per acre. However, the RSW zone is recognized as a holding zone that should defer to the Boise City Comprehensive Plan in terms of how land with this zoning should be developed once City services and facilities are available. The property currently has three single-family homes, one of which is proposed to remain on a 1.3-acre lot located in the southwest corner of the development. To accommodate the proposed density of the project (3.61 units / acre), the applicant is requesting R-1B zoning, which allows up to 4.8 units per acre. The property is designated “Large Lot” on the Boise City Comprehensive Plan Land Use Map, which supports the requested R-1B zone. In addition to the R-1B zone, A-1, A-2, R-1A, N-O, and L-O zones would also be allowable. The Planning Team finds the R-1B zone to be appropriate for the site due to the fact it abuts properties zoned R-1B to the north and is adjacent to Victory Road, an arterial roadway.

The A-1 and A-2 zones would not be appropriate as the site is already surrounded by residential neighborhoods and the densities allowed in these zones would generally not be compatible with the development pattern established with other annexations in the

[Diagram: Land Use Map and Zoning Map]
The neighborhood commercial uses allowed in the N-O zone could be compatible with the surrounding uses but vehicular access limitations to Victory Road and the large size of the property makes this type of development undesirable. The R-1A zone would be compatible with the surrounding residential neighborhoods but the maximum density of 2.1 dwellings per acre would limit the development to 41 residential lots. Due to the location of this property at the transition of the Land Uses from "Suburban" to "Large Lot" and its proximity to transportation corridors, the Planning Team believes a higher density development than allowable under the R-1A standards is more appropriate.

<table>
<thead>
<tr>
<th>Dimensional Standard</th>
<th>R-1B</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width, Minimum</td>
<td>75'</td>
<td>50'</td>
</tr>
<tr>
<td>Front/Street Yard Setback</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Side Yard Interior Setback</td>
<td>10'</td>
<td>5'</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>30'</td>
<td>15' / 30'*</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>9,000 Sq. Ft.</td>
<td>5,040 Sq. Ft. / 9,000 Sq. Ft.**</td>
</tr>
</tbody>
</table>

* Lot 27, 35-47, Block 1 proposed to include 30' rear yard setbacks (identified in blue above).

** Lot 27, 35-47, Block 1 proposed to include a minimum 9,000 sq. ft. lot area (identified in blue above).

The proposed planned unit development includes a request for reduced lot sizes, widths, and setbacks. The subdivision is generally laid out with lots decreasing in size closer to Victory Road. Through the planned unit development process, the applicant is requesting R-1C dimensional standards for the majority of the lots. For the 14 lots along the southern property line, the applicant is proposing increased rear setbacks of 30 feet and minimum...
lot sizes of 9,000 square feet, standards consistent with the R-1B zone. The Planning Team is generally supportive of the reductions as the proposed 3.61 unit per acre density is below the 4.8 unit per acre density allowed in the R-1B zone. Additionally, the smaller lots will be internal to the site, with larger lots proposed along the south and west property lines where the property abuts existing single-family homes, most of which are on one-acre in size. A recommended condition of approval is to limit any homes built on the 14 southern lots to a single story if they utilize less than 10-foot interior side setbacks typical of the R-1B zone. This would retain building patterns more consistent with the “Large Lot” Land Use designation and the R-1B zone while still providing flexibility to new home builders. This would also address the compatibility and density concerns expressed by many of the residents of the existing surrounding neighborhood and the Southwest Ada County Alliance Neighborhood Association.

**Amenities**

The primary amenity proposed for this development is a 36,877 square foot common lot in the center of the subdivision which includes a pond, a 4-foot-wide gravel walking path, seating areas, a shade structure, and climbing boulders. The pond is to be fed via an existing connection to Farmers Lateral and the applicant is proposing to have water in it year-round. The Planning Team is recommending this as a condition of approval, as well as a water circulation system be installed to prevent the stagnation of water, and that the associated irrigation equipment be enclosed and screened by landscaping. The Planning Team is also recommending that the gravel walking path be improved to meet ADA standards to ensure equitable access by all. In addition to the central common area, there are two pedestrian connections from the interior of the development to Victory Road. Both are dual purpose, with one also functioning as a required secondary emergency access and the other a common drive for the northeastern most two lots. A recommended condition of approval is to utilize a different paving material for the pedestrian path to clearly designate it from the common drive. In total, the applicant proposes approximately 12.9% of the site to contain landscaped open space. These common spaces, as well as the individual home-sites, are to be irrigated using water conservation measures and techniques.

The “Large Lot” Land Use Comprehensive Plan designation calls for the clustering of homes to preserve natural features and provide for shared open spaces for residents. As such, the Planning Team is recommending that the common lot amenity containing the pond be improved to increase usability by reconfiguring the layout of the lot to include...
an ADA accessible walking path on both the east and west sides of the pond, creating a walking loop for residents. It is recommended that this pathway be buffered on either side by a minimum of 8 feet of clearance between the pond or any property lines to allow for the planting of additional trees or, preferably, the retention of existing trees.

**Connectivity**

The proposed street layout complies with Policy CC2.1 of the Comprehensive Plan which promotes the development of a street network that interconnects and distributes vehicle, bicycle, and pedestrian traffic to multiple streets. When accounting for pedestrian connections, the proposed street layout will include 8 nodes and 12 links for a street connectivity index score of 1.5, which meets the City’s target connectivity index score. ACHD has limited the subdivision to one vehicular access on Mitchell Street and prohibited all vehicular access onto Victory Road due to it being an arterial roadway on which new accesses are discouraged. Two pedestrian connections are provided to Victory Road and one internal pedestrian connection is proposed internal to the site, increasing the connectivity of the development as a whole as supported by multiple Comprehensive Plan guidelines (Goal CC7.1, Principle GDP-N.1, Principle SW-CCN 2.7, and Principle SW-C 1.4).

The applicant is proposing 5-foot wide attached sidewalks along all interior local streets of the development. The Planning Team is recommending that these sidewalks be detached with a minimum 8-foot wide landscape strip to allow the planting of street trees. This recommendation would enhance the environmental quality of the development, as well as promote pedestrian safety and comfort and is supported by multiple policies in Blueprint Boise (Goal ES6, Goal CC7.2, Principle GDP-N.5, and Principle SW-CCN 2.7).

**Tree Mitigation**

A significant number of mature trees exist on this property, but no tree mitigation plan has been submitted with these applications. In their narrative, the applicant has estimated that 120 trees would require mitigation but without proper documentation there is no way for the Planning Team to verify this. A review of the landscape plan shows approximately 180 trees individually identified as being removed, with two large groves not shown or
accounted for. Retaining as many mature trees as possible on the property and replacing lost trees with new trees is supported by Goal ES6 and Principle GDP-N.8 of the Comprehensive Plan. One area of mature trees that the Planning Team has identified as needing to be retained exists along the southern property line. The applicant has agreed to avoid removing these trees in order to preserve a natural buffer between the existing homes and new development. The applicant also plans to plant a minimum of two trees per lot. Between the trees on each lot, common lots, and landscape buffers, 297 new trees will be planted. With the recommended condition of detached sidewalks and landscape strips planted with street trees this count will increase by approximately 70 more trees. While the full caliper inches of the mature trees lost will most likely not be fully replaced, the total number of trees on the property will grow.

Public Comment
The Planning Team has received a significant number of comments on this project since it was originally submitted in February of 2020. In general, these comments can be organized according to the following themes:

Density and Housing Types
The most common comment received was in relation to the density and housing types proposed being out of context with the development pattern of the surrounding neighborhood. The overall density of the project is 3.61 dwelling units per acre, below the maximum 4.8 dwelling units per acre allowed in the proposed R-1B zone. While the development is denser than the immediately adjacent neighborhoods to the south, east, and west, the larger lots provided along these boundaries provide an appropriate transition, limiting negative impacts. As shown in the below image, on average, most of the existing properties will only have 1.5 new lots they share a property line with. In addition, with the recommended conditions of approval, larger interior side setbacks or shorter homes will be built on 14 of these lots, leading to less building massing adjacent to the existing homes. Retaining the existing mature trees along this boundary will also provide buffering to the existing homes, all of which are located at least 175 feet from the shared property line.
Impacts to Public Services and Infrastructure
Concerns have been expressed that the proposed project will cause an undue burden on public services and infrastructure in the area. The most common concerns center on the impacts to the traffic levels at the intersection of Victory Road and Mitchell Street as well as the impacts the development will have on the irrigation facilities which run through the property. In their project report, ACHD determined that this intersection did not warrant signalization at this time but would be monitored for future eligibility. The addition of a left turn lane from Mitchell Street to Victory Road is required by ACHD, addressing one aspect of the concerns expressed by neighbors. In their memo, dated March 9, 2020, the Boise Project Board of Control required that all irrigation and drainage ditches that cross the subject property must remain unobstructed and protected by easements in order serve neighboring properties.

Preservation of Rural Open Space and Cultural/Historical Buildings
Many comments received mention the loss of rural open space this project would incur should it be approved as proposed. They note the importance of properties which are used for agriculture in a limited fashion to the sense of place which is unique to Southwest Boise. Included with this is the loss of wildlife habitat that exists along the open irrigation facilities and provided by the mature trees that exist on the property. The two homes that are proposed to be removed are identified by the Southwest Ada County Alliance Neighborhood Association as being historically significant to the area due to the unique design and original homebuilder’s standing in Boise’s history, though the homes are not officially listed as historic. The Southwest Ada County Alliance Neighborhood Association requests that if the homes themselves cannot be preserved then, at a minimum, they be thoroughly documented prior to demolition. The Planning Team believes this is a justified requested and is supported by Principles GDP-N.9 and NAC 15.3 of the Comprehensive Plan. As such, the Planning Team has included a recommended condition of approval that the Idaho State Historical Society be allowed to document these two buildings prior to any demolition.

In conclusion, the Planning Teams finds that the proposed development complies with the requirements of the Development Code, B.C.C. Section 11-03-04.15 (Annexation) and is consistent with the approval criteria of B.C.C. Section 11-03-04.07 (Planned Unit Development) and Section 11-07-06.05 (Planned Unit Development Standards) and, as such, is recommending approval with the recommended conditions of approval.
8. Approval Criteria

Annexation (11-03-04.15(a))
Any recommendation of the PZC shall be in writing and shall specify that the annexation meet the following criteria:

i. Incorporate the Boise sewer planning area.

   The property is located in the Boise sewer planning area. Public sewer can and will be extended to serve the development.

ii. Honor negotiated area of impact agreements.

   The property is within the Area of City Impact (AOCI) and abuts previously annexed land to the north and east. The request is consistent with Policy PDP3.2 of the Comprehensive Plan which calls for the annexation of lands within the AOCI which are in compliance with the City’s level-of-service standards.

   The following level-of-service standards apply:

   Fire - A four-minute response time (1.5-mile service area) is required, unless excepted by the Fire Department.

   The property is approximately 0.65 miles from Fire Station #14, located north of the site at 2515 S Five Mile Road. In a letter dated April 17, 2020, the Fire Department approved the subdivision with standard conditions of approval, as it was determined that adequate fire protection would be provided.

   Water - A minimum of 35 pds/1,500 gpm fire flow must be provided for residential development.

   Required water services are available to the subject property.

   Sewer - Sanitary sewer must be available to the site that meets the minimum standards for collection and treatment.

   Public sewer will be extended to serve the development.

   Schools - The existing schools serving the area must have capacity for the anticipated additional children.

   The property is located within the boundaries of the West Ada School District. No comments in opposition to the project were submitted by the District.
Streets - Streets must be provided in accord with the Master Street Map, adopted transportation plans, project concept plans, and transit plans. In addition, streets must be provided in accord with housing and employment forecasts used to prepare a long-range regional transportation plan.

ACHD approved, with conditions, the proposed street layout and found the surrounding transportation network to be capable of supporting the proposed development. Estimated traffic generated by this development does not meet the threshold requirements to necessitate roadway improvements. Victory Road is designated a 5-lane Residential Arterial Roadway by the Master Street Map, requiring the dedication of additional right-of-way for eventual widening and improvements. Access onto Victory Road will be restricted, and only one access onto Mitchell Street will be allowed to serve the subdivision. Mitchell Street is to be improved with curb, gutter, and 5-foot-wide detached sidewalk in accord with the Master Street Map.

Police - Police service must be available to the area.

Police service is available in the area.

Solid Waste - Weekly pick-up must be provided.

Solid waste services are available to the property.

Electricity - Power must be provided to the area.

Idaho Power currently provides service to the area.

Telephone - Phone service must be provided to the area.

Telephone service is currently provided to the area.

Storm Drainage - An approved on site or public system must be provided.

A condition of approval will require the applicant to comply with the drainage requirements of the Boise City Public Works Department.

iii. Attempt to balance costs of service with anticipated revenues.

The annexation should have minimal impact on cost of services as the property is adjacent to lands already within City limits. As such, many city services are already provided to the area.
iv. **Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.**

The proposed annexation and associated subdivision will result in contiguous development as residential subdivisions of similar densities abut the site to the north and east. The annexation will not constitute leap frog development as the property is located within the Area of City Impact and is contiguous to property already located within City limits.

**Planned Unit Development (11-03-04.7(C)(7))**

i. **The location is compatible to other uses in the general neighborhood;**

With the recommended conditions of approval, the proposed development will be compatible with the other uses in the general neighborhood as existing single-family residential subdivisions surround the location. The neighborhoods to the north are of a similar density to the proposed development. To appropriately transition to the less dense neighborhoods surrounding the property in all other directions, larger lots are proposed along these subdivision boundaries. Along the southern end of the property lots are proposed to have increased rear setbacks of 30 feet which exceed the 25-foot rear setbacks established by the adjacent Roan Meadows Subdivision covenants. With the recommended conditions of approval, the building massing of new homes on this boundary will be reduced and the existing mature trees preserved.

ii. **The proposed use will not place an undue burden on transportation and other public facilities in the vicinity;**

Correspondence received from commenting agencies indicate the project will not place an undue burden on transportation or other public services. ACHD found that estimated traffic generated by this development does not meet the threshold requirements to necessitate roadway improvements. The Fire Department found that adequate fire protection would be provided to the site by Fire Station #14, located approximately 0.65 miles north of the site on Five Mile Road, and Molenaar City Park and Maple Grove Elementary School is less than a mile northeast of the site.

iii. **The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls, fences, parking, loading, landscaping, and such other features as are required by this Code;**

The site is large enough to accommodate the proposed use. The applicant is proposing a density of 3.61 units per acre, while the proposed R-1B zone allows up to 4.8 units per acre. Reduced lot sizes, widths, and setbacks are proposed as part of the planned unit development application, however, the lots immediately adjacent to existing neighborhoods to the south and west will meet the size, width,
and rear setback requirements of the zone. All of the homes to be built on the site will be required to provide two off-street parking spaces and comply with the standard height requirements of the R-1B zone. All new fencing is proposed to be 6-foot-high cedar, meeting the design requirements of Code. Sidewalks will be provided along all interior and adjacent roadways and two pedestrian paths will provide access between La Jolla Street and Victory Road. The proposed landscape plan meets the requirements of the Code as 30-foot wide landscape buffers containing a total of 80 trees will be provided along Victory Road and Mitchell Street where they abut the site. With the recommend conditions of approval, landscaped open spaces will cover approximately 13 percent of the site and the number of amenities exceed the amount required by Code.

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

The proposed use will not adversely affect other property in the vicinity. The proposed subdivision will be built at a similar density to the subdivisions to the north and will provide appropriate lot size transitions to the larger acreage properties to the south, east, and west. The subdivision will be buffered from the properties across Victory Road to the north and Mitchell Street to the east by a 30-foot wide landscape buffer planted with trees. The proposed homes will comply with the height requirements of the R-1B zone and homes along the southern property line will be restricted to a single-story should they utilize interior side setbacks less than 10 feet. Parking for the subdivision will be provided on site as each new home will be required to provide two off-street parking spaces, and on-street parking will be available along one side of the internal streets. While the development will result in additional traffic at the intersection of Victory Road and Mitchell Street, ACHD found that the estimated traffic generated by this development does not meet the threshold requirements to necessitate roadway improvements.

v. The proposed use is in compliance with the Comprehensive Plan.

The proposed development is in compliance with the Comprehensive Plan. Goal NAC3.2 calls for development to be directed to areas identified as suitable for change in the Comprehensive Plan, and the Areas of Stability and Change Map for the Southwest Planning Area designates the site as an area in which infill and redevelopment is anticipated. The Land Use Map also designates the property as “Large Lot” and lists detached single-family homes as the primary use within this designation. With the recommended conditions of approval, the proposed single-family homes complement the scale and character of the surrounding neighborhood (Goal NAC3.1). The proposal will also provide a mix of housing types and price ranges, by varying the typical lot size in the neighborhood as encouraged by Goal NAC7. The proposed detached sidewalks along Mitchell Street and recommended detached sidewalks interior to the development comply with Goal SW-CCN2.7, which encourages detached sidewalks in order to increase pedestrian activity, and the pedestrian paths proposed between Victory Road and La Jolla
Street comply with Goal SW-C1.4, which encourages micro-path connections between roadways and open space. As conditioned, the open space proposed at the center of the site will comply with Principle GDP-N.2, which encourages alternatives to traditional parks, and preservation the natural features already present on the property, as called for by Principle GDP-N.8.

9. Recommended Conditions of Approval

Site Specific

1. Compliance with the plans and specifications submitted to and on file in the Planning and Development Services Department date received February 28, 2020, and revised narrative, landscape plan, and preliminary plat submitted March 19, 2020, except as expressly modified by the following conditions:

2. The existing accesses off Victory Road shall be removed, and new curb, gutter, and sidewalk shall be installed in the previous driveway approaches.

3. The accessory structures shall be removed or relocated to comply with setbacks prior to issuance of building permits.

4. All sidewalks along local streets interior to the development shall be detached with a minimum 8-foot wide landscaping strip planted with street trees.

5. For Lots 27, 35-47, Block 1, homes built utilizing interior side setbacks of less than 10 feet shall be limited to one-story in height.

6. The pond located in Lot 7, Block 2 shall contain water year-round and a circulation system shall be installed to prevent the stagnation of water.

7. Any irrigation or pump equipment located on Lot 7, Block 2 shall be enclosed and screened by landscaping.

8. The pathway located on Lot 7, Block 2 shall encircle the pond and be built to ADA accessibility standards. A minimum of 8 feet of clearance to the pond or any residential property lines shall exist on either side of the pathway.

9. The pedestrian connection on Lots 3 & 4, Block 1 shall be built using a different paving material from the common drive to clearly designate its intended use.

10. Existing trees located within 20 feet of the southern property line shall be retained.

11. The Idaho State Historical Society shall be allowed a minimum one-month time period to thoroughly document for historical purposes the two existing homes at 9933 W Victory Road prior to demolition.
Agency Requirements

12. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos and correspondence:

   a. Ada County Highway District (April 29, 2020);
   b. Nampa & Meridian Irrigation District (April 16, 2020);
   c. Boise Project Board of Control (March 9, 2020); and
   d. Central District Health Department (March 11, 2020).

13. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:

   a. Sewer & Irrigation (March 2, 2020);
   b. Solid Waste (March 9, 2020);
   c. Street Lights (March 3, 2020); and
   d. Drainage (March 2, 2020).

   Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

14. The applicant shall comply with all requirements of the Boise City Building Department comments received March 6, 2020.

15. The applicant shall comply with all requirements of the Boise Fire Department comments received April 17, 2020. Any deviation from this plan is subject to Fire Department approval. For additional information, contact 208-570-6500.

16. Compliance with the requirements of the Nampa and Meridian Irrigation District, as described in their April 16, 2020 correspondence is required. If significant changes to the layout of the project are necessary, a modification to this permit could be required.

Subdivision:

17. The following notes shall be placed on the face of the Final Plat stating:

   a. The development of this property shall be in compliance with the Boise Development Code or as specifically approved by PUD20-00013 and SUB20-00009.
b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, unless otherwise approved by PUD20-00013, at the time of issuance of individual building permits.

c. This development is subject to the Covenants, Conditions, and Restrictions (CC&R’s) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.

d. The pedestrian pathway and common driveway easements shall be dedicated to the public for pedestrian use and access.

e. Direct lot access to Victory Road and Mitchell Street is prohibited.

18. The Mylar shall include the following endorsements or certifications (I.C. Title 50, Chapter 13). These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

19. The name, Music Estates Subdivision, shall be reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Engineer for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Engineer, the new name to the Planning and Development Services Department and re-approval by the Council of the "Revised" Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "Revised" Final Plat for public hearing.

20. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (B.C.C. 11-09-03E).

21. A letter of acceptance for water service from the utility providing same is required (B.C.C. 11-09-04.3).

22. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).
23. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

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

24. A letter from the appropriate school district is required stating, "The Developer has made arrangements to comply with all requirements of the School District."

25. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

   a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied,
   OR
   b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

   NOTE: "No Parking" signs shall be installed in accordance with the requirements of the International Fire Code (BCC 7-0-32, IFC 503.8). Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

26. Covenants, homeowners' association by-laws or other similar deed restrictions, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces, shall be reviewed and approved by the Boise City Attorney. After recordation of the Final Plat and CC&R's, no building permit shall be accepted until a copy of the recorded CC&R's has been submitted to the Boise City Attorney. The CC&R's shall include the following:

   a. Perimeter fencing shall be maintained by the Homeowners Association.
   b. Landscaping on Lots 20, 30, & 50, Block 1 and Lots 1, 7, & 13, Block 2 shall be maintained by the Homeowners Association.

27. Prior to the City Engineer's Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of the Boise City Code, is to be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.
28. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

29. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:
   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District.

30. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.
   a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.
   b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.
   c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.

31. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of B.C.C. 11-09-04.1. If a Non-Building Agreement is approved by Boise City Fire Department, no building permits shall be submitted until a “Satisfaction of Non-Building Agreement” is recorded.

32. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City. Contact Erosion Control at 208-608-7100 for more information.
Standard Conditions of Approval

33. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

34. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

35. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

36. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

37. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

38. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

39. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

40. Utility services shall be installed underground.

41. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

42. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.
43. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

44. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.

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

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

47. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

48. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

49. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
Project/File: **Music Estates/ BPP20-0011/ SUB20-00009/ PUD20-00013/ CAR20-00005**

This is an annexation with rezone, a planned unit development and a preliminary plat application to allow for the development of a 74-lot residential subdivision on 18-acres. This site is located at the southwest corner of Victory Road and Mitchell Street.

**Lead Agency:** City of Boise

**Site address:** 9933 & 10151 W. Victory Road

**Staff Approval:** April 29, 2020

**Applicant:** Josh Beach
Southpoint, LLC
PO Box 6385
Boise, ID 83707

**Owner:** Mark Dunkley
10151 W. Victory Road
Boise, ID 83709

**Staff Contact:** Dawn Battles
Phone: 387-6218
E-mail: dbattles@achdidaho.org

### A. Findings of Fact

1. **Description of Application:** The applicant is requesting approval of an annexation with rezone from RSW (Southwest Community Residential) to R-1B (Single Family Residential, Suburban), a planned unit development and a preliminary plat application consisting of 67 new residential lots and 6 common lots on 18 acres. There is one residential home proposed to remain on the site.

   The applicant’s proposal for R-1B zoning is consistent with the City of Boise’s comprehensive plan which calls for residential uses on this site.

2. **Description of Adjacent Surrounding Area:**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Family Residential, Suburban</td>
<td>R-1B</td>
</tr>
<tr>
<td>South</td>
<td>Estate Residential (Ada County)</td>
<td>R1</td>
</tr>
<tr>
<td>East</td>
<td>Single Family Residential, Large Lot</td>
<td>R-1A</td>
</tr>
<tr>
<td>West</td>
<td>Estate Residential (Ada County)</td>
<td>R1</td>
</tr>
</tbody>
</table>

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

4. **Transit:** Transit services are not available to serve this site.
5. **New Center Lane Miles:** The proposed development includes 0.5 centerline miles of new public road.

6. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.

7. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
   - Maple Grove is scheduled in the IFYWP to be widened to 5-lanes from Amity Road to Victory Road in 2024 and will include the widening/replacement of the Maple Grove Road Bridge #1243.
   - The intersection of Amity Road and Maple Grove is scheduled in the IFYWP to be reconstructed as a multi-lane roundabout with 3-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 3-lanes on the west leg, in 2022-2023.
   - Maple Grove is scheduled in the IFYWP to be widened to 5-lanes from Victory Road to Overland Road and will include Bridges #1237, #1238, #1242 and enhanced crossings (pedestrian hybrid beacon) at Targee Street and Maple Grove Elementary in 2021.
   - Victory Road is listed in the CIP to be widened to 5-lanes from Five Mile Road to Maple Grove Road between 2021 and 2025.
   - Five Mile Road is listed in the CIP to be widened to 5-lanes from Amity Road to Victory Road between 2026 and 2030.
   - The intersection of Victory Road and Five Mile Road is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes east, and 7-lanes on the west leg, and signalized between 2021 and 2025.

**B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 604 additional vehicle trips per day (28 existing); 64 additional vehicle trips per hour in the PM peak hour (3 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 10th edition.

2. **Condition of Area Roadways**
   Traffic Count is based on Vehicles per hour (VPH)

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>PM Peak Hour Traffic Count</th>
<th>PM Peak Hour Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victory Road</td>
<td>1,301-feet</td>
<td>Minor Arterial</td>
<td>865</td>
<td>“F”</td>
</tr>
<tr>
<td>Mitchell Street</td>
<td>613-feet</td>
<td>Collector</td>
<td>48</td>
<td>Better than “D”</td>
</tr>
</tbody>
</table>

   * Acceptable level of service for a three-lane minor arterial is “E” (720 VPH).
   * Acceptable level of service for a two-lane collector is “D” (425 VPH).

3. **Average Daily Traffic Count (VDT)**
   Average daily traffic counts are based on ACHD’s most current traffic counts.
   - The average daily traffic count for Victory Road west of Mitchell Street was 14,283 on October 10, 2019.
   - The average daily traffic count for Mitchell Street north of Bienapfl Drive was 709 on March 28, 2019.
C. Findings for Consideration

1. Southwest Boise Transportation Study

The Southwest Boise Transportation Study (SWBS) is a regional study that identifies future roadway improvements, collector roadway connections, intersection and corridor need in Southwest Boise. The study helps ACHD plan for and accommodate future traffic demand in the Southwest Boise area. The study was created in collaboration with the City of Boise and was adopted by the ACHD Commission in May of 2009. The SWBS recommends that Victory Road be constructed as a 5-lane roadway between Five Mile Road and Cole Road.

2. Level of Service Planning Thresholds

Victory Road

a. Policy:

Level of Service Planning Thresholds: District Policy 7205.3.1 states that, Level of Service Planning Thresholds have been established for principal arterials and minor arterials within ACHD’s Capital Improvement and are also listed in section 7106. Unless otherwise required to provide a Traffic Impact Study under section 7106, a proposed development with site traffic less than 10% of the existing downstream roadway or intersection peak hour traffic shall not be required to provide mitigation for a roadway or intersection that currently exceeds the minimum acceptable level of service planning threshold or V/C ratio.

b. Staff Comments/Recommendations: Victory Road currently exceeds the acceptable level of service planning threshold for a 3-lane Minor Arterial. The trips generated from this site will contribute 7% to the total PM peak hour traffic on Victory Road. Therefore, consistent with District policy 7205.3.1 Level of Service Planning Threshold, which states a proposed development with site traffic less than 10% of the existing downstream roadway or intersection peak hour traffic shall not be required to provide mitigation; no improvements are required along this street section.

3. Victory Road

a. Existing Conditions: Victory Road is improved with 3-travel lanes, 38-feet of pavement, vertical curb, gutter, and 5-foot wide sidewalk abutting the site. There is 78-feet of right-of-way for Victory Road (33-feet from the section-line).

There are 5 existing driveways from the site onto Victory Road located 481-feet, 641-feet, 933-feet, 1,014-feet and 1,289-feet east of Charlotte Avenue (measured centerline to centerline).

b. Policy:

Arterial Roadway Policy: District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Master Street Map and Typology Policy: District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.

Street Section and Right-of-Way Width Policy: District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

Right-of-Way Dedication: District Policy 7205.2 states that The District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way along
arterials listed as impact fee eligible in the adopted Capital Improvements Plan using available impact fee revenue in the Impact Fee Service Area.

No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

The District may acquire additional right-of-way beyond the site-related needs to preserve a corridor for future capacity improvements, as provided in Section 7300.

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Victory Road is designated in the MSM as a Residential Arterial with 5-lanes and on-street bike lanes, a 72-foot street section within 96-feet of right-of-way.

c. **Applicant Proposal:** The applicant is proposing to dedicate additional right-of-way to total 48-feet from centerline of Victory Road abutting the site.

The applicant is proposing to close the 5 existing driveways onto Victory Road with landscaping.

The applicant is proposing to construct a 20-foot wide emergency access only driveway onto Victory Road located 362-feet east of the west property line (measured from the west property line to centerline).

d. **Staff Comments/Recommendations:** Victory Road is not centered on the section line abutting the middle portion of the site. The centerline is approximately 8-feet north of the section line. Consistent with right-of-way dedication and frontage improvements made by adjacent developments, right-of-way dedication along Victory Road for this development should be measured from the section line abutting the site.

The applicant should be required to dedicate additional right-of-way to total 48-feet from the section-line of Victory Road abutting the site. The additional dedicated right-of-way is impact fee eligible for compensation.

Consistent with District Minor Improvements policy the applicant should be required to close the 5 existing driveways onto Victory Road with vertical curb, gutter and 7-foot wide concrete sidewalks, and repair or replace any damaged or deficient facilities on Victory Road abutting the site.

The applicant’s proposal to construct a 20-foot wide emergency access only driveway onto Victory Road meets District policy and should be approved, as proposed. The emergency access only driveway should be restricted with a gate or bollards, located outside of the right-of-way, as determined by the appropriate fire department.

4. **Mitchell Street**

a. **Existing Conditions:** Mitchell Street is improved with 2-travel lanes, 28 to 32-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Mitchell Street (22-feet from centerline).

b. **Policy:**
Collector Street Policy: District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

Master Street Map and Typologies Policy: District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

Street Section and Right-of-Way Policy: District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

Residential Collector Policy: District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

Sidewalk Policy: District policy 7206.5.6 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District’s planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Mitchell Street is designated in the MSM as a Residential Collector with 2-lanes and on-street bike lanes, a 36-foot street section within 50-feet of right-of-way.

c. Applicant Proposal: The applicant is proposing to complete Mitchell Street as a 36-foot street section to include pavement widening, vertical curb, gutter, a 6-foot wide planter strip and 5-foot wide detached concrete sidewalk abutting the site.

d. Staff Comments/Recommendations: The applicant’s proposal to complete Mitchell Street as a 36-foot street section to include pavement widening, vertical curb, gutter a 6-foot wide planter strip and 5-foot wide detached concrete sidewalk abutting the site meets District policy and should be approved, as proposed.

If the sidewalk is detached, then the right-of-way may extend a minimum of 2-feet behind the back of curb. Provide a permanent right-of-way easement to 2-feet behind back of sidewalk for
any sidewalk placed outside of the dedicated right-of-way. If street trees are desired, then an 8-foot wide planter strip should be provided.

The applicant should be required to install “NO PARKING” signs on Mitchell Street abutting the site.

The applicant should stripe the northbound approach of Mitchell Street at Victory Road to create a center left turn lane. The applicant should be required to coordinate the striping with District Development Review staff.

5. **Internal Local Streets**
   a. **Existing Conditions:** There are no local streets within the site.

   b. **Policy:**
      **Reduced Urban Local Street—27-foot Street Section and Right-of-Way Policy:** District Policy 7207.5.2 states that the width of a reduced urban local street shall be 27-feet (back-of-curb to back-of-curb) with curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 41-feet of right-of-way. Unless approved in writing by the land use agency, this street section is not allowed by the City of Kuna and City of Star. In some cases, this street width may not accommodate new utilities. A 29-foot street section within 43-feet of right-of-way may be constructed in lieu of a 27-foot street section if the applicant demonstrates that the additional roadway width is necessary to extend the utilities. Although some parking is allowed by the following subsections, the District will further restrict parking on a reduced width street if curves or other physical features cause problems, if actual emergency response experience indicates that emergency vehicles may not be able to provide service, or if other safety concerns arise. One of the following three sets of design conditions shall apply.

      **Design Condition #1:** Parking is allowed on one side of a reduced width street when all of the following criteria are met:
      - The street is in a residential area.
      - The developer shall provide written approval from the appropriate fire department or emergency response unit in the jurisdiction.
      - The developer shall install NO PARKING signs on one side of the street, as specified by the District and as specified by the appropriate fire department.
      - This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 41-feet of right-of-way.
      - Traffic volumes on the street shall not exceed 1,000 vehicle trips per day. There shall be no possibility that another street may be connected to it in a manner that would allow more than 1,000 vehicle trips per day.

      **Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

      **Standard Urban Local Street—33-foot Street Section and Right-of-way Policy:** District Policy 7207.5.2 states that the standard street section shall be 33-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.

      **Sidewalk Policy:** District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local streets, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage,
in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District’s Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

**Cul-de-sac Streets Policy:** District policy 7207.5.8 requires cul-de-sacs to be constructed to provide a minimum turning radius of 45-feet; in rural areas or for temporary cul-de-sacs the emergency service providers may require a greater radius. Landscape and parking islands may be constructed in turnarounds if a minimum 29-foot street section is constructed around the island. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing. The developer shall provide written approval from the appropriate fire department for this design element.

The District will consider alternatives to the standard cul-de-sac turnaround on a case-by-case basis. This will be based on turning area, drainage, maintenance considerations and the written approval of the agency providing emergency fire service for the area where the development is located.

**Landscape Medians Policy:** District policy 7207.5.16 states that landscape medians are permissible where adequate pavement width is provided on each side of the median to accommodate the travel lanes and where the following is provided:

- The median is platted as right-of-way owned by ACHD.
- The width of an island near an intersection is 12-feet maximum for a minimum distance of 150-feet. Beyond the 150-feet, the island may increase to a maximum width of 30-feet.
- At an intersection that is signalized or is to be signalized in the future, the median width shall be reduced to accommodate the necessary turn lane storage and tapers.
- The Developer or Homeowners Association shall apply for a license agreement if landscaping is to be placed within these medians.
- The license agreement shall contain the District’s requirements of the developer including, but not limited to, a “hold harmless” clause; requirements for maintenance by the developer; liability insurance requirements; and restrictions.
- Vertical curbs are required around the perimeter of any raised median. Gutters shall slope away from the curb to prevent ponding.

**Speed Control and Traffic Calming Policy:** District policy 7207.3.7 states that the design of local street systems should discourage excessive speeds by using passive design elements. If the design or layout of a development is anticipated to necessitate future traffic calming implementation by the District, then the District will require changes to the layout and/or the addition of passive design elements such as horizontal curves, bulb-outs, chokers, etc. The District will also consider texture changes to the roadway surface (i.e. stamped concrete) as a
passive design element. These alternative methods may require maintenance and/or license agreement.

c. **Applicant Proposal:** The applicant is proposing to construct the entrance street, Burnett Street, with two 21-foot wide travel lanes, a 10-foot wide center landscape island curb, vertical curb and gutter within 52-feet of right-of-way and 5-foot wide detached concrete sidewalk located outside of the right-of-way.

The applicant has proposed to construct all other internal local streets as 27-foot street sections with rolled curb, gutter, and 5-foot wide concrete sidewalks within 41-feet of right-of-way.

The applicant has proposed to construct a knuckle at the intersection of Merrimac Avenue and Elmorado Drive with a 48-foot radius.

The applicant is proposing to terminate La Jolla Street as a cul-de-sac with a 55-foot radius.

d. **Staff Comments/Recommendations:** The applicant’s proposal to construct the entrance street, Burnett Street, with two 21-foot wide travel lanes, a 10-foot wide center landscape island, vertical curb and gutter within 52-feet of right-of-way and 5-foot wide detached concrete sidewalk located outside of the right-of-way meets District policy and should be approved, as proposed. The applicant should be required to provide a permanent right-of-way easement for detached sidewalks located outside of the dedicated right-of-way. If street trees are desired, then 8-foot wide planter strips should be provided.

The center landscape island should be platted as right-of-way owned by ACHD. The applicant or future homeowner’s association should enter into a license agreement for any landscaping proposed within the island.

The applicant’s proposal to construct all other internal local streets as 27-foot street sections with rolled curb, gutter, and 5-foot wide concrete sidewalks within 41-feet of right-of-way meets District policy and should be approved, as proposed.

Parking is restricted on one side of the 27-foot street sections. The applicant should be required to install NO PARKING signs on one side of the streets. Coordinate a signage program with District Development Review staff.

The applicant should be required to provide written approval from the appropriate fire department for the 27-foot street-sections.

The applicant should construct the knuckle at the intersection of Merrimac Avenue and Elmorado Drive with a minimum 45-foot radius.

The applicant should construct the cul-de-sac at the terminus of La Jolla Street with a minimum 45-foot radius.

La Jolla Street is a long and straight roadway and will need to be redesigned or include passive design elements.

Stop signs, speed humps/bumps and valley gutters will not be accepted as traffic calming.

The applicant should be required to submit a revised preliminary plat showing the redesigned roadways for review and approval prior to ACHD’s signature on the final plat.

6. **Roadway Offsets**
   a. **Existing Conditions:** There are no roadways within the site.
   b. **Policy:**
Collector Offset Policy: District policy 7206.4.5, states that the preferred spacing for a new local street intersecting a collector roadway to align or offset a minimum of 330-feet from any other street (measured centerline to centerline).

Local Offset Policy: District policy 7207.4.2, requires local roadways to align or provide a minimum offset of 125-feet from any other street (measured centerline to centerline).

c. Applicant’s Proposal: The applicant is proposing to construct a new local street, Burnett Street, to intersect Mitchell Street located 337-feet south of Victory Road and 398-feet north of Roan Meadows Court (measured centerline to centerline).

The applicant is proposing to construct all other local internal streets with a minimum offset of 125-feet from any other street.

d. Staff Comments/Recommendations: The applicant’s proposal to construct a new local street, Burnett Street, to intersect Mitchell Street located 337-feet south of Victory Road and 398-feet north of Roan Meadows Court meets District policy and should be approved.

The applicant’s proposal to construct all other local internal streets with a minimum offset of 125-feet from any other street meets District policy and should be approved.

7. Neighborhood Concerns
There have been several neighbors who have expressed concerns regarding the proposed subdivision and have requested pedestrian improvements due to the increased traffic. The main concerns are as follows:

- Request for installation of a signal at the intersection of Mitchell Street and Victory Road due to the long wait times to turn left onto Victory, or a protected pedestrian crossing across Victory at this intersection.
- A crosswalk painted across Mitchell Street at the intersection of Victory Road and Mitchell Street, as there is one painted on the North side of Victory Road on Mitchell Street.
- Sight distance and safety concerns at the intersection of Mitchell Street and Victory Road due to the raised elevation of the roadway.
- Increased traffic concerns, cut-through traffic on Roan Meadows and parking deficiencies with the proposed subdivision.
- There should be an access onto Victory Road to limit the traffic onto Mitchell Street because one access seems insufficient for the density of the proposed subdivision.
- Excess traffic concerns for the pedestrians walking their dogs, riding horses and the children walking in the street to Amity Elementary.
- The high-density will ruin the semi-rural character of the neighborhood.

Policy: 7206.1 Collector Streets
The primary function of a collector is to intercept traffic from the local street system and carry that traffic to the nearest arterial. A secondary function is to service adjacent property. Access will be limited or controlled. Collectors may also be designated as bicycle and bus routes.

Staff Comments/Recommendations: Mitchell Street is classified as a collector and the acceptable level of service in the PM peak hour for a two-lane collector is 425 vehicles. The average PM Peak traffic count for Mitchell Street north of Bienapfl Drive was 48 on March 28, 2019. The proposed subdivision is estimated to create 64 additional PM Peak vehicle trips which leaves Mitchell Street below the acceptable level of service of 425 VPH.
ACHD performed a signal warrant analysis in 2017 for the Victory Road/Mitchell Street intersection and found that the signal was not warranted. The SW Boise Bike/Ped Plan, adopted in 2018, did not recommend a pedestrian crossing at this intersection. ACHD will continue to monitor traffic in the area to determine if intersection improvements may be warranted in the future.

Although Mitchell Street is not striped with a left turn lane, at its intersection with Victory Road, Mitchell Street is wide enough for 3 travel lanes (a receiving lane, a vehicle turning left and a vehicle turning right simultaneously). Therefore, vehicles turning right should not have additional wait times due to a vehicle turning left onto Victory Road.

ACHD performed a sight distance analysis and found that that vehicles turning onto Victory Road from Mitchell Street have the required 445-feet of sight distance.

ACHD performed a sight distance analysis and found that the vehicles exiting the proposed entrance street, Burnett Street, onto Mitchell Street have 350-feet of sight distance, exceeding the 225-foot site distance requirement.

The site has proposed access onto Mitchell Street. ACHD District Access policy states that direct access to minor arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. This site has frontage on Victory Road, a minor arterial, and Mitchell Street, a collector; therefore, per policy the access is required to be on Mitchell Street, the lesser classified street.

8. Tree Planters

Tree Planter Policy: The District’s Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

9. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

10. Other Access

Victory Road is classified as a minor arterial roadway. Mitchell Street is classified as a collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways and should be noted on the final plat.

D. Site Specific Conditions of Approval

1. Redesign La Jolla Street to reduce the length of the roadway or include the use of passive design elements and submit a revised preliminary plat showing the redesigned roadway for review and approval prior to ACHD’s signature on the final plat.

Stop signs, speed humps/bumps and valley gutters will not be accepted as traffic calming.

2. Dedicate additional right-of-way to total 48-feet from the section-line of Victory Road abutting the site. Compensation will be provided for the additional dedicated right-of-way.

3. Close the 5 existing driveways onto Victory Road with vertical curb, gutter and 7-foot wide concrete sidewalks, and repair or replace any damaged or deficient facilities on Victory Road abutting the site.
4. Construct a 20-foot wide emergency access only driveway onto Victory Road restricted with a gate or bollards, located outside of the right-of-way, as determined by the appropriate fire department.

5. Complete Mitchell Street as a 36-foot street section to include pavement widening, vertical curb, gutter an 8-foot wide planter strip and 5-foot wide detached concrete sidewalk abutting the site.

6. Install “NO PARKING” signs on Mitchell Street abutting the site

7. Stripe the northbound approach of Mitchell Street at Victory Road to create a center left turn lane. The applicant should be required to coordinate the striping with District Development Review staff.

8. Construct the entrance street, Burnett Street, with two 21-foot wide travel lanes, a 10-foot wide center landscape island, vertical curb and gutter within 52-feet of right-of-way and 5-foot wide detached concrete sidewalk located outside of the right-of-way.

9. Plat the center landscape island as right-of-way owned by ACHD. The applicant or future homeowner’s association may enter into a license agreement for any landscaping proposed within the island. The right-of-way should extend to 2-feet behind back of sidewalk.

10. Construct the internal local streets with 27-foot street sections with curb, gutter and 5-foot wide concrete sidewalk within 41-feet of right-of-way.

11. Install “NO PARKING” signs on one side of the 27-foot street sections. Coordinate a signage program with District Development Review staff.

12. Provide written approval from the appropriate fire department for the 27-foot street sections.

13. Extend the right-of-way a minimum of 2-feet behind the back of curb, if sidewalk is detached. Provide a permanent right-of-way easement to 2-feet behind back of sidewalk for any sidewalk placed outside of the dedicated right-of-way.

14. Construct a knuckle at the intersection of Merrimac Avenue and Elmorado Drive with a 48-foot radius.

15. Construct the cul-de-sac at the terminus of La Jolla Street with a minimum 45-foot radius.

16. Construct a new local street, Burnett Street, to intersect Mitchell Street located 337-feet south of Victory Road and 398-feet north of Roan Meadows Court.

17. Construct all other local internal streets with a minimum offset of 125-feet from any other street.

18. Direct lot access is prohibited to Victory Road and Mitchell Street, other than the access specifically approved with this application and shall be noted on the final plat.

19. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.

20. Payment of impact fees is due prior to issuance of a building permit.


E. **Standard Conditions of Approval**

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).

2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant’s engineer should provide documentation of ADA compliance to District Development Review staff for review.

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

5. A license agreement and compliance with the District’s Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.

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

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

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

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

10. Construction use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.

11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant’s authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.

2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

G. Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal Guidelines
Ada County Utility Coordinating Council

Developer/Local Improvement District
Right of Way Improvements Guideline Request

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

1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.

2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.

3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.

4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

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

Items Completed to Date:

- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD Planning Review Section will receive the development application to review
- The Planning Review Section will do one of the following:
  - Send a "No Review" letter to the applicant stating that there are no site specific conditions of approval at this time.
  - Write a Staff Level report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
  - Write a Commission Level report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

- For ALL development applications, including those receiving a "No Review" letter:
  - The applicant should submit one set of engineered plans directly to ACHD for review by the Development Review Section for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
  - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.

- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:

Construction (Non-Subdivisions)

- Driveway or Property Approach(s)
  - Submit a "Driveway Approach Request" form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

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

Construction (Subdivisions)

- Sediment & Erosion Submittal
  - At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

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

- Final Approval from Development Services is required prior to scheduling a Pre-Con.
Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

   a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

   b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

   c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

   d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager’s reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

   e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.
Kevin,

This site does have our Farmers Lateral running through it, the easement is 60’ total, 20’ left and 40’ right from centerline looking down stream. They really have their work cut out to pipe and relocate our lateral to make this plan work. They will not be allowed to have any trees adjacent to our lateral and they will need to submit a Land Use Change Application and plans for a full review over here. As for the waste ditches and pond, they are all private and NMID will not comment on them but the developer will have to accommodate them in their plans. This area actually is in another irrigation district, probably NY Irrigation and the water probably come from them. NMID only has our lateral running through this area that we will be commenting on.

Hope this helps,

Greg

Greg G Curtis
Water Superintendent
Nampa & Meridian Irrigation District Shop
5525 E. Greenhurst Rd. Nampa Idaho 83686
Phone:208-466-0663 Fax:208-463-0183

Website:www.nmid.org

Hi Greg,

It’s good to connect with you. I’m currently reviewing a proposal for a 67 lot subdivision called Music Estates at 9933 and 10151 W Victory Rd which has a portion of the Farmers Lateral running through it. Looks like there is also a holding pond and a number of drainage/irrigation ditches present. I’m hoping you can take a look at the proposal (see attached) and provide any comments you find appropriate.

There is also some concern from the neighbors about their ability to continue to use the drainage
March 4, 2020

Via Email: kholmes@cityofboise.org

Kevin Holmes
Boise City Planning & Development Services
150 N. Capitol Boulevard
Boise, ID 83702

RE: Annexation / Music Subdivision / 9933 W Victory Rd / CAR20-00005

Kevin,

The City of Boise has requested feedback regarding the proposed annexation of 19.6 acres at 9933 W. Victory Road for the Music Subdivision, which will include 67 detached single-family homes. Ada County is in support of the application due to the proximity of the site to public services and infrastructure. Future residents of the site will have nearby access to existing parks, schools, commercial services and employment opportunities.

The application is in compliance with the Ada County Comprehensive Plan as Goal 2.2f encourages residential development to occur at urban densities within Areas of City Impact where urban public facilities are available. The proposed pedestrian connection to Victory Road complies with Goal 4.7a, which supports the creation of a safe network of pedestrian and bicycle pathways, and the use of drought-tolerant landscaping is supported by Goal 5.2f, which encourages the creative use of drought tolerant vegetation and irrigation practices.

The proposed development is also supported by the Boise Comprehensive Plan as it designates the property as Large Lot Residential, within which a density of up to 4.8 units per acre is allowed through the proposed R-1B zone. It is also supported by Goal PDP5, which requires adequate public facilities and infrastructure for new development, as there are existing sewer and water lines adjacent to the site. As the surrounding area has largely been developed and the site is within close proximity to existing schools, parks, and commercial services, the development will comply with Goal CC1.1, which encourages infill development in order to avoid costly extensions of transportation facilities and to minimize travel distances. The Southwest Planning Area: Areas of Stability and Change Map also designates the site as being in a location in which infill and redevelopment is anticipated.
The proposal to provide larger lots along the south and west property lines where the site abuts existing large lots is in compliance with Goal NAC3.1, as it encourages residential infill that complements the scale and character of the surrounding neighborhoods, and the large common area containing a pond, climbing boulders, benches and a walking path is in compliance with Principle GDP-N.2, as it encourages open space amenities that appeal to residents of all ages and abilities.

Thank you for this opportunity to provide feedback.

Sincerely,

Brent Moore

Brent Moore, MCMP, AICP
Community & Regional Planner
Ada County Development Services

cc: Megan Leatherman, Director, Ada County Development Services
    Mitra Mehta-Cooper, Strategic Planning Manager, Ada County Development Services
09 March 2020

Boise City Planning & Development Services  
150 North Capitol Boulevard  
P O Box 500  
Boise, Idaho 83701-0500

RE: Southpoint, LLC, Kevin Arrien  
9933 & 10151 W Victory Rd. Boise  
New York Irrigation District  
Knudsen Lateral 50+00  
Sec. 23, T3N, R1E, BM.

Boise City Planning:

There are no Boise Project facilities located on the above-mentioned property, however it does in fact possess a valid water right.

The Farmers Lateral is not Boise Project’s jurisdiction and is located on this property. The developer should contact Nampa meridian or Settlers Irrigation District as to the easement on that Lateral.

Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,

Thomas Ritthaler  
Assistant Project Manager, BPBC

tbr/tr  
cc: Clint McCormick  
Lauren Boehkle  
File  
Watermaster, Div; 2 BPBC  
Secretary-Treasurer-BK1D
1. We have No Objections to this Proposal.
2. We recommend Denial of this Proposal.
3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
4. We will require more data concerning soil conditions on this Proposal before we can comment.
5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:  
   - high seasonal ground water
   - bedrock from original grade
   - waste flow characteristics
   - other

6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
   - Central sewage
   - Community sewage system
   - Community water well
   - Interim sewage
   - Central water
   - Individual sewage
   - Individual water
9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
   - Central sewage
   - Community sewage system
   - Community water
   - Sewage dry lines
   - Central water
10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
12. We will require plans be submitted for a plan review for any:
    - Food establishment
    - Swimming pools or spas
    - Child care center
    - Beverage establishment
    - Grocery store
13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDID.
14. 

Reviewed By: ____________________________
Date: 3/11/2022
Communities in Motion 2040 2.0 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of Communities in Motion 2040 2.0 (CIM 204) the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 204 2.0 goals.

**Development Name:** Music  
**Agency:** Boise

<table>
<thead>
<tr>
<th>CIM Vision Category: Existing Neighborhoods</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>New households: 67</td>
<td>New jobs: 0</td>
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</table>

- **CIM Corridor:** Victory Road  
  Pedestrian level of stress: R  
  Bicycle level of stress: R

- **Housing within 1 mile:** 3,020  
  Jobs within 1 mile: 1,070  
  Jobs/Housing Ratio: 0.4

- **Nearest police station:** 4 miles  
  Nearest fire station: 0.7 miles

- **Farmland consumed:** No  
  Farmland within 1 mile: None

- **Nearest bus stop:** 0.7 miles  
  Nearest public school: 1.3 miles  
  Nearest public park: 0.8 miles  
  Nearest grocery store: 1.6 miles

**Recommendations**

The site is less than one mile from the Cole/Victory bus route. This routes provides service from southwest Boise to the Boise Towne Square Mall. ValleyConnect 2.0 proposes future bus service along Five Mile Road to the Boise Research Center and to the City of Eagle. ValleyConnect 2.0 propose bus service along Maple Grove Road to the Boise Towne Square Mall and northwest Boise. Both routes would provide 30-minute frequencies in the peak hours. These bus stops would be approximately ½ mile in distance when those routes are operational.

Victory Road has been identified on the Communities in Motion 2040 2.0 regional bicycle corridor map a regional corridor. This route will provide bicycle and pedestrian access east to the jobs at the Boise airport and west to the City of Meridian.

More information about COMPASS and Communities in Motion 2040 2.0:  
Web: www.compassidaho.org  
Email info@compassidaho.org  
More information about the development review process:  
http://www.compassidaho.org/dashboard/devreview.htm
April 17, 2020

Kevin Holmes
PDS – Current Planning

Re: SUB20-00009

Dear Kevin,

This is a request for a Preliminary Plat for 74 total lots (67 buildable and 7 common). XREF:PUD20-00013 & CAR20-00005

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

Comments:
1. Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 600-feet from the hydrant. (IFC 507.3, IFC B105.2, IFC C105).
2. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).
3. Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. (IFC D105)
4. Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
5. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
6. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
7. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (BCC 5-12-29, IFC 503.2.4)
8. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)
9. Fire apparatus access roads shall not exceed 10 percent in grade. Nor shall access roadways exceed a 2 percent grade for the first 80 feet at the grade transition. Turnarounds shall not exceed 2 percent grade. (IFC D103.2, BCC 05-12-65)

10. For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (BCC5-12-32, IFC 503.8)

11. Access gates shall comply with requirements of the IFC. If gates are electronically-operated they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock (IFC 503.6, D103.5, BCC 5-12-31).

12. The installation of security gates across a fire apparatus access road must meet the following criteria: Removal or opening of said barricade must result in a clear unobstructed road width of 20'. Chains and locks shall not be of such quality so as not to damage fire department cutting tools nor shall cutting operations result in any unnecessary time delay. Bollards must be of an easily removable type, shall leave nothing protruding up from the roadway surface when removed, and shall be approved by the Code official. If gates are electronically operated they shall: (1) be of a fail-open version in the event of loss of power, and (2) be equipped with an automatic opening mechanism activated by the Opticom system currently in use by the fire department. Contact the Boise Fire Marshal (570-6567) for additional details. (IFC 503.6, D103.5, BMC Amendment 05-12-31).

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

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

Regards,

Todd Callahan
Interim Division Chief – Assistant Fire Marshal
Boise Fire Department
To: Planning and Development Services  
From: Melissa Jannusch, EIT  
Associate Engineer  
Public Works Engineering  

Subject: SUB 20-00009 | Music Estates Subdivision  
9933 W Victory Rd  
Grading & Drainage, Hillside, & Misc. Engineering Comments  

1. STANDARD GRADING AND DRAINAGE CONDITIONS  

1) Subdivision drainage shall be in accordance to B.C.C. 11-09-04-05. The developer shall submit a letter from the appropriate drainage entity approving the drainage system or accepting the drainage there from. A copy of the construction drawing(s) depicting all site drainage improvements shall be submitted with the letter.  

a. Developer may either construct improvement prior to final platting or post bond in the amount of 110% of the estimated construction costs. Estimated construction costs shall be provided by the developer’s engineer.  

b. For drainage facilities located outside of the public right-of-way, the developer shall dedicate a storm drainage easement. Said easement shall be labeled as either an Ada County Highway District storm drainage easement or a homeowners’ association storm drainage easement, depending on what entity will assume responsibility for the operation and maintenance of the storm drainage system.  

c. If the homeowners’ association is to be responsible for the operation and maintenance of the storm drainage facilities, the covenants,
homeowners’ association by-laws or other similar deed restrictions shall be reviewed and approved by the Boise City Attorney.

2) If fills greater than one foot in depth are to be placed in subdivision lots inside of building envelopes, as defined by the applicable subdivision building setbacks, the Developer shall obtain a grading permit from the Boise City Building Department (Rough Grading Permit). Grading permit must be acquired prior to the start of construction or final plat signature by the Boise City Engineer, whichever comes first.

Special Conditions:

2. EROSION CONTROL CONDITIONS

1) Subdivision work shall be in accordance to B.C.C. 08-17 Construction site Erosion Control Ordinance. The developer shall obtain an Erosion Control Permit from the Boise City Building Department. The Erosion Control Permit must be acquired prior to the start of construction.

2) This project will require an Erosion Control Plan (ECP) or Stormwater Pollution Prevention Plan (SWPPP) to be submitted with the permit application. The plan must bear the signature and certification number of an individual who has successfully complete a Boise City approved training course.

Special Conditions:

3. STANDARD HILLSIDE CONDITIONS

NA

4. MISC. ENGINEERING CONDITIONS

NA

5. PRIVATE STREET CONDITIONS

NA

Special Conditions:

If you have any further questions, please contact Melissa Jannusch
Melissa Jannusch, E.I.T.
Associate Engineer
Hillside Coordinator
Public Works Engineering
208-608-7168
mjannusch@cityofboise.org

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\Boise\pw\Common\PWA\Subjects\Review Comments\Subdivision Comments\Temp (uploaded comments)\Drainage Hillside Eng comments\MMJ-Grading, Drainage, Hillside & Misc Sub Comment - Music.docx
CITY OF BOISE

INTER-DEPARTMENT
CORRESPONDENCE

Date: March 2, 2020

To: Planning and Development Services

From: Mike Sheppard P.E., Civil Engineer II
Public Works Department

Subject: PUD20-00013; 9933 W Victory; Sewer Comments

Sewer is not available to the property at this time. Coordinate with Boise City Public Works for sewer extension. The development will be responsible to extend sewer to the site.

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

If you have any further questions, please contact Mike Sheppard at 608-7504.
TO: Planning and Development Services
FROM: Evan Carpenter
    Environmental Analyst
    Public Works Department
DATE: 3/9/2020
RE: Solid Waste Comments – PUD20-00013

City of Boise Solid Waste staff has reviewed the application for this project and has no comment. The lots are accessible for solid waste service.

Please contact me with any questions at 208-608-7161 or ecarpenter@cityofboise.org.
To: Planning and Development Services

From: Tom Marshall, Street Light Program Technician
Public Works Engineering

Subject: Street Light Comments
PUD20-00013: 9933 W Victory Rd.

Street lights are required at the following locations:

1. Three 30’ poles on Victory
2. One 25’ pole on Mitchell
3. Eight 25’ poles to the internal subdivision

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

As per Idaho Power requirements the lights along the following street frontages must be installed on a metered service. Meter service cabinet location to be in the right of way or in a developer designated City Street Light Easement. They shall meet the requirements of the Idaho Standards for Public Works Construction, Standard Drawings, and the Boise City Standard Revisions for ISPWC Division 1102 Street Lights. See Streetlight Approved Fixtures and Materials for a list of approved meter service cabinets.

1. Victory Rd

New Street Light installations shall conform to the current version of the Boise Standard Revisions, Idaho Standards for Public Works Construction.
(ISPWC) using approved LED fixtures listed in Streetlight Approved Fixtures and Materials.

Developer shall not connect, or allow any subcontractor to connect any irrigation timers, decorative lighting, entrance lighting, outlets or other electrical devices to any street lighting circuits. Any and all irrigation timers, decorative lighting, entrance lighting, outlets or other electrical devices shall be connected directly to Idaho Power at an Idaho Power approved location.

All electrical work must be completed by a licensed journeyman electrician, as per state code to include underground conduit, wire, pole base, light pole, fixture and meter cabinets. The electrician must be present at all inspections and all work shall be performed to the current National Electrical Code.

If you have any questions, contact Tom Marshall at 208-608-7526 or tmarshall@cityofboise.org.

Tom Marshall
Street Light Program Technician
Public Works Engineering
Office: (208)608-7526
tmarshall@cityofboise.org

Making Boise the most livable city in the country.
March 6, 2020

PDS Building Department Plan Review:

The subdivision **Preliminary** plat SUB20-00009 has been reviewed and the existing structures on the property appear to be in non-compliance with proper required distance from the proposed property lines, thus a demolition permit or a permit to move structures must be applied for prior to any signoff from the building plan review division.

Jenny Nelson
Plans Examiner II
Planning and Development Services
Office: (208)608-7109
jnelson@cityofboise.org

Making Boise the most livable city in the country.
May 27, 2020

Re: 9933 Victory Rd
PUD20-00013, SUB20-00009, CAR20-00005

SWACCA recently participated in an online public hearing with the Ada County Commissioners concerning two developments in the county. Both of these projects had planning and zoning hearings before COVID-19 and were in person at the Ada County Courthouse. The online hearing before the Commission had a notable lack of public attendance despite several people having testified at the planning and zoning level on both projects. We do not know why there was a lack of participation at the online meeting, probably a variety of issues such as: knowledge of the online platform, accessibility, internet access, comfort with technology or a decrease in interest. However, the fact that there was such a large decrease in participation should be a concern to the Commissioners as it certainly is to SWACA, and perhaps serve as a warning to other governing bodies.

In this day and age, it is easy to assume that everyone has internet access. Though many people do have an internet capable device, the broadband, or data to watch a long live streamed meeting, and the comfort level to participate in an online forum, not everyone has these advantages. Writing comments in advance has always been a possibility, but if you are unable to participate online you lose the opportunity to address your concerns in person and put your voice to your words. It has been SWACCA’s experience that people provide written comment and testify in person to ensure the governing body has heard their testimony.

The Music Subdivision is scheduled for public hearing before Boise Planning and Zoning on June 8th. This is to be an online only meeting since going to City Hall in person is not an option right now. Residents that do not have the capability of participating online are essentially shut out of the public hearing. The City mailed notices of the online meeting to property owners within the radius boundary, however the public hearing sign located on the property does not indicate that this is an online meeting. Incorrect information on the sign may mean residents outside the notice radius will miss their opportunity to participate in the public process through no fault of their own.
The neighbors attended two neighborhood meetings on this development. The first meeting, put on by the developer, had 17 people sign the sign in sheet, though significantly more showed up. The second meeting, held March 14th and hosted by the neighbors, saw attendance at least twice that. Judging by the amount of correspondence already received by the City, and attendance at both meetings, this development has attracted a lot of interest by the community.

SWACA is asking that this application and any other applications that might draw large public involvement be deferred until Stage 4 of the Idaho Rebound Plan begins AND Boise City Hall opens back up so that those without the capability of participating online have the option to attend in person. We believe that it is important to preserve and encourage public involvement in the public process as much as possible, try to engage everyone, and not limit participation with barriers that not everyone can overcome.

Sincerely,

Marisa Keith
SWACA President

Image taken 5/26/2020 by Marisa Keith
Several months ago, I attended a Boise City Council hearing discussing a development in the foothills, which was eventually voted against. During that discussion a member of the public testified over the loss of open space in the foothills. Then City Council President Lauren McClean and this gentleman had a lengthy discussion about if the area in question was privately owned open space or Open Space with a capital O. Much of the open space in SWACA is privately owned open space. Unfortunately SW Boise in general has less Open Space than other areas of town, however, the loss of open space still has an affect on the character and quality of life in SWACA.

The two parcels in question here are open space, privately owned pieces of land, and also happen to be some of the most beautiful property in SWACA. From the trees, to the pastures and the cows, these two properties are the definition of the semi-rural feel of SW Boise. It is unfortunate that they are to be developed, and it will be a sad day when the bulldozers rip up the pastures and tear down the buildings. Although the developer will be keeping the pond and the Dunkley home will remain, there is so much more that could have been done on this property to truly 'add to the surrounding neighborhoods’ as the developer wrote in his application letter. I am of the opinion that the neighborhood feels that this development, as is, will subtract from the neighborhood rather than add value and character.

Below are SWACA’s recommendations on how to make this development add a bit more to the surrounding neighborhoods.

1. Explore the possibility of keeping all the existing houses and incorporating them into the new development.

Perhaps not as historic as houses in other parts of town, the two existing homes at 9933 W Victory do have historical value to SWACA. The houses were built by twin sisters Eileen Schrier and Elaine Allen, both prominent women in Boise’s equestrian and tennis scene. The Schrier family also owned and operated the Stagecoach Inn where both sisters worked from time to time. Eileen and Elaine were photographers and taught classes in Sun Valley in the early 70s on negative retouching and Eileen retouched negatives at Braun Studios for many years. The sisters also held a patent for a horse fly mask, and there are local stories of Eileen carving carousel horses. The houses, one a heptagon and one an octagon where designed by Art, Noel and Lyle Cook and part of the building materials are rocks gathered by the sisters Rocky Canyon and other nearby places. See article below.

The current owner of the houses stated that they needed too much work to keep and also that he would make less money if they were not torn down and replaced by newer homes by the developer.

There are several examples of other older SWACA homes that have been rehabilitated and made a part of the subdivisions, and we would like the developer to consider doing this for these two houses as well.
As was said before, these may not be century old houses, however they are a part of SWACA's history and character, which are two things that are quickly being lost to growth. Included are articles and postings collected by SWACA on the properties and the families that built these houses.

If these houses are to be torn down SWACA requests that they first be thoroughly documented.

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**Twin Sisters Design Many-Sided Homes**

**By CARRIE PHILPOTT**

The dreams of two Boise women have come true in the form of octagon and hexagon homes.

The houses were planned by twin sisters, Elaine Allen and Eileen Schrier, located at 9033 and 1625 West Victory Road respectively. Both sisters agree "the ingenuity of the architect and the persistence, patience and ability of the builders brought the unusual houses to fruition."

Mrs. Allen's house, a split level with seven unequal sides was built 16 years ago by the Cook Brothers, Art, Noel and Lyle. But all the landscaping, cement and rock walks and patios on the outside were the handiwork of the sisters. Each of the houses has a center core from which beams just to the outside wall. In the octagon house the core is a hollow 12-inch thick stone column supporting 31 rough sawed coastal fir beams four inches thick and 12 inches wide. No beam is cut the same angle nor the same length as another, said Noel Cook.

At the base of the column on one side is a fireplace. The opposite side is open and Mrs. Allen designed a small office in this space. The chimney for the fireplace extends out of the column above the roof for a few feet. Three of the seven walls and the stone column are built of rocks gathered by the sisters from Rocky Canyon near Boise, the Idaho City vicinity and Duck Valley Indian Reservation. Two hollowed-out stone bowls used by the Palate Indians for grinding corn are kept in the fireplace.

The roof is hand-split wooden shakes. Mrs. Allen recalls, "The Cook brothers lifted all the beams with ropes and carried the heavy lumber and decking to the roof. We had a glass company install the windows. The men marveled that in every wall of this odd-shaped house they found nothing out of plumb. The Cooks are really architects themselves."

"About two years ago Eileen and I prevailed on the Cooks to build the octagon shaped house. It has been finished about one year," Elaine said.

The center support in the two-story octagon structure is an Idaho grown white fir tree four feet in diameter with the bark remaining on it. The trunk is set in a circular concrete base on a concrete floor and is eight feet high. On top is mounted a 14-inch steel collar with steel saddles for cradling the 4 by 16-inch thick coastal fir ceiling beams. All corner beams are uniform in length and are supported in the outer walls by a three-inch hollow steel post with a steel saddle. All beams in both houses are visible.

"When the crane lifted these beams and placed them in the saddles at each end, they all fitted perfectly and precisely in the cradles," Mrs. Allen said. "Eileen and I are planning another house in that area," she said, pointing to the east. "The Cook brothers are planning to retire soon, but we're hoping we can persuade them to help some at least on our next house."

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Examples of houses in SWACA that were preserved by developers and incorporated into the new subdivisions:

Cloverdale & Victory: Muir Woods Villas (Graywoods Estates). Redeveloped to allow for 12 other houses on 5.5 acres.
2023 Five Mile, redeveloped to allow 3 other houses on 1.22 acres.
2. Keep the laterals daylighted.

Dr. Richard Lewellyn, President of the North West Neighborhood Association, has spoken many times at public hearings about the importance of keeping laterals daylighted. There is the agricultural history and heritage that is lost, the loss of rural characteristics as talked about in Blueprint Boise, as well as many negative ecological impacts when laterals are tiled over. Laterals are a water source for birds, pollinators and other wildlife that live in SWACA and they create natural open space areas that have long been a part of SWACA’s rural character. Boise is spending money and time daylighting some waterways that were buried in the past, and we ask that these laterals remain open.

Waterways are also areas where people enjoy walking along, as opposed to arterials or even neighborhood streets. SWACA would encourage the developer to explore ways to incorporate paths within the development that follow the already existing laterals. SW-C CN 1.3:

3. Keep as many existing trees as possible.

According the Boise’s Neighborhood Data Almanac SWACA has a tree canopy of 12%. There are a substantial number of mature trees on this property. When asked at the neighborhood meeting whether the trees would be kept the developer responded that they didn’t know as they needed see how the lot lines fell. Could we not have a development platted that prioritized keeping the trees, rather than the trees being an afterthought? SWACA would like to encourage the developer to explore how they might keep as many of the existing trees as possible.

Besides contributing to shade, the trees are providing shelter and home for a variety of wildlife in SWACA.

4. Limit the development to 2 story houses.

SWACA asks that house height be limited to 2 story as opposed to the 3 story houses as mentioned in the developer’s letter. Maintaining the privacy of already existing homes should be a priority. At the very least those houses along the Southern border should be limited to 2 stories.

5. Provide equitable transitional lot sizes for all current neighbors.

As noted in our Neighborhood Plan as well as Blueprint Boise, lot sizes should transition when coming up against larger more rural lots. While the developer and current land owner do a nice job of transitional lot sizing against the Dunkley house in the SW corner, which will be preserved and by all accounts the family will remain, that same transition did not extend to the neighbors to the South. SWACA would ask that at the least the R-1B minimum lot size of 9,000 sq ft and 75 ft widths be applied to the lots along the south, however ideally we would like transitional lot sizes of at least .25 acre, or 10,890 sq ft, be applied to the lots to on the South border. This is also reflected in Blueprint Boise.
“SW-CCN 1.7: NEIGHBORHOOD ACTIVITY CENTER Establish a neighborhood activity center in the vicinity of Lake Hazel and Five Mile Roads. Mixed residential commercial, townhouses and modular-lot residential uses should be permitted in and around the urban village. Densities as high as 15 to 20 units per acre may be permitted in the village, but should transition to four units per gross acre abutting existing low density residential areas.”

SWACA counts 68 lots, the developer states there are only 67 homes, perhaps excluding the Dunkley home that will remain. However they did include the Dunkley lot in their lot range size. If you exclude the two largest lots at 57502 sf and 20,790 sf the average lot size decreases by about 1000 sf. Also per the city planner they calculated the density on the property as it is today, not the property as it will be after right of way.

6. Ensure that current land uses will not have a negative effect on the new development.

The neighbors to the south are concerned about the effects that their flood irrigation will have on the properties to the north, especially since those are on the downhill side. Any overflow has likely not been a problem in the past since excess water would have flowed into a pasture, however people will likely feel differently if it flows into landscaped yards. The neighbors also have a variety of farm animals, and their right to continue with their way of life should be supported.

7. Ensure the road/bike/ped infrastructure is in place to support this development.

Below are the items SWACA sent to ACHD

1. The existing access ramps along Victory to the pastures filled so that there is continuous level sidewalk.
2. The possibility of a stop light at Mitchell and Victory, or a pedestrian crossing across Victory at that intersection.
3. Crosswalk painted across Mitchell as it is on the North side of the intersection.

Neighbors had concerns about the route to Amity Elementary along Mitchell with the increased traffic the area has seen lately.

General concerns with the amount of traffic and being able to safely turn left from Mitchell onto Victory.

Mitchell near Victory not being maintained during winter months and when it snows it is slick enough that they sometimes avoid using it so as not to slide out into Victory. Crash Data for Victory between Maple Grove and Five Mile.

Again, SWACA respectfully asks that the above recommendations be considered, thank you for your time,

Marisa Keith
President
Southwest Ada County Alliance
Additional documentation found about the family.

From the history of the Stagecoach inn.  http://stagecoachidaho.com/history/

THE STAGECOACH INN HAS A RICH HISTORY ALL ITS OWN, FONDLY RECALLED IN THE MEMORIES OF ITS MANY LOYAL PATRONS. FROM THE VERY BEGINNING, IN 1959, FOUNDER WILLIE SCHRIER ENDEavored TO CREATE AN UNRIVALED DINING EXPERIENCE IN THE BOISE AREA; AND HE SUCCEEDED IN EVERY WAY, LEADING TO THE STAGECOACH INN’S TREASURED, LANDMARK STATUS. READ ON FOR MORE STORIES AND INFORMATION ABOUT ITS PAST, ITS BEGINNINGS, AND THE PEOPLE WHO MADE IT ALL HAPPEN.

THE BUILDING

Originally constructed in the 1940’s, the all-brick building featured curved, glass block windows in the front corners (later filled in during the brief time that Garden City permitted gambling in the town). When Willie Schrier purchased the property and began to build on his dream in the late ’50’s, the abandoned site had previously been used for social gatherings, as a gambling casino and then subsequently a dance hall. (During our renovation, we discovered a brick wall in the waiting area, covered with several layers of wood paneling. One section had been painted with lovely silver trees, designed—we presume—as a romantic backdrop during the dance hall years.)

THE BUSINESS

Prior to opening the Stagecoach Inn, Willie had previous experience in the hospitality business, first as part-owner of a bar in Emmett, Idaho; then in the late 1940’s he opened “Willie’s Say When” lounge in Garden City. From 1953-1958, Willie owned and operated the “Torch”, where he created an Idaho original: Finger Steaks. Willie left his finger steaks recipe there with Milo, promising never to compete with the Torch by serving finger steaks at his soon-to-be “Stagecoach Inn”. Jumbo Prawns became Willie’s new specialty, along with fine steaks, lobster, and prime rib.

The Stagecoach Inn continued to prosper, thanks to great food and excellent service, Willie’s intuition and foresight, and smart business practices. Always a popular place to go—and frequently crowded—it was sometimes suggested that Willie should add-on or enlarge the space. He declined, however, insisting that it was better to see his patrons “rub elbows”, become familiar, and get to know one another—reinforcing the restaurant’s sense of friendliness and its comfortable atmosphere.

After much success, in later years Willie and Eileen began to look at retirement. Allowing themselves to take more vacation time, they enjoyed traveling throughout Idaho in their camper, eventually purchasing a cabin in Lowman, Idaho, in 1980. Knowing their daughters, Mary and Marian, were in charge and fully capable of running the restaurant, the elder Schriers finally decided to retire and make the Lowman cabin their permanent residence.

From that time until 2007, Mary and Marian continued to run the business and maintain its success. Although in their last years of ownership, and partly due to Marian’s health issues, the sisters decided it was now their turn to retire. The Stagecoach Inn was then sold and continued under new ownership until 2014. Today, it is our goal to strengthen and restore the family values that had become such a strong part of the business, and to continue in the Stagecoach Inn’s tradition of high-quality food and incomparable service.
THE FAMILY

According to Mary Thomas (Willie & Eileen’s daughter), other family members also played an important part in the restaurant’s success: Cousin Nettie, who started as a prep cook, later took over the hostess station and bookkeeping responsibilities; brothers Nick and Marc served during high school before moving on to college, marriage, and military service. Nettie’s son, JB, also earned summer allowance money as a young boy by maintaining the grounds and doing prep work in the kitchen.

Like family, bartenders Amos Cannon, Bill Keyes, and Bob Chauvin, worked throughout the 1970’s, always dressed in freshly pressed, white button-down dress shirts, rolling up their sleeves to wash each glass by hand. Steve Carper managed the bar from the early ’80’s through 2006; and Rod Kautz served as luncheon chef and night broiler from 1979-2013. (Most recently, both Steve and Rod have helped in their spare time to train today’s capable restaurant staff.)

Stories are told of Tommy, hired as dishwasher on Day 1 in 1959. Willie loved him like a son, often crossing 32nd Street to fetch Tommy from “The Pink Elephant” (where he’d likely have one-too-many), bringing him back to the ‘Coach and his position in the kitchen. Then one day, much later, Tommy vowed to “give it up totally”, staying dry and staying on at the Stagecoach the rest of his working years, as night clean-up and security, until 2003.

As a family business, most everyone who worked at the Stagecoach would become part of the family. In fact, when Marian’s health began to suffer, it was not only her sister Mary but other employees who rushed to her aid. Unfortunately, after years of struggling Marian eventually passed, leaving behind her very vivacious twin. To this day, Mary has maintained an active interest in seeing the Stagecoach Inn brought back to life, donating photos, art and memorabilia, as well as a wealth of vivid memories, and having greatly impacted the essence of the Stagecoach Inn that we all enjoy today.

PRE-STAGECOACH

Many have asked about the Schriers’ passion for equestrian activities. Willie rode horseback as a jockey from 1938 to 1941, and was well-known on California race tracks. Prior to Army service, Willie also served on the Coast Guard’s mounted beach patrol in Oregon. Shortly thereafter he was one of very few participating in a secret U.S. mission known as “SACO” (Sino-American Cooperation Organization), in which Americans and Chinese worked together in Japanese-held areas. Willie’s role was as instructor to the Chinese, called upon to impart his knowledge of horses, horsemanship, and Cavalry tactics to a group of Chinese Warrant Officers being primed for China’s Secret Police.

After returning from service overseas, Willie traveled to Idaho with one of his buddies from the SACO mission, Al Allen, who had wed a young Boise gal, Elaine Talboy. Drawn to her beauty, personality, and their shared interest in horses and riding, the friend explained to a delighted Willie that “there’s another one just like her!” So, within a short time Willie made twin sister Eileen his bride and Boise his new home. They began their family with two sons, Nick and Marc, followed by the twins Mary & Marian. Struggling to make ends meet, Willie learned the restaurant business while “the mothers”, Elaine & Eileen, contributed financially by starting a photo-retouching service, and later by working weekends prepping and cleaning the restaurant. Elaine also attracted restaurant guests with her Saturday menu offering, “Grandma’s Biscuits & Sausage Gravy Special”.
Idaho Statesman October 14, 1967, A local rivalry.

THE IDAHO DAILY STATESMAN

1-Personals

UNDERSTAND that Ed & Vince of The ROYAL RESTAURANT tried their luck at deer hunting. Unfortunately for some farmer they returned to the city with a cow and 2 calves. Signed, Willie of The STAGECOACH INN, Garden City.

WILLIE SCHRIER is no longer responsible for any medical expenses incurred by people who unthinkingly dine at The STAGECOACH INN. Proceed at your own risk. Signed, Ed & Vince of The ROYAL RESTAURANT, in Boise.

3 EXTRA SHARES of Terrace Lakes Recreation Ranch stock. 344-7741, days.

Idaho Statesman July 9, 1950, Elaine Schrier

ELAINE ALLEN
Boise Riding club.
'Whooo That With the Camera?'

AHILIE the Saw-Whet owl, fixes a baleful stare on the photographer (inset) from his perch at the top of the Christmas tree at the home of Mrs. Elaine Allen and her daughter, Janette, of Route 3, Victory Road.

Janette found the rare bird injured at the side of the road. She has a permit from the Fish and Game Department to keep the owl.

A sudden move sends the bird to a safer perch.
Idaho Statesman, August 23, 1970

Boiseans Hold Retouch School

SUN VALLEY — The Mmes. Eileen Schrier and Elaine Allen, twin sisters from Boise, have been conducting classes in the retouching of photographic negatives for beginning and advanced students at Sun Valley.

Graduates of the Aug. 8-16 course were Mrs. Roger Perkins and Lynne Koch, both of Boise; Carol Egan, Orem, Utah, and Theresa LeRay Overton, Bend, Ore. Debbie Hall and Cindy Perkins, both Boiseans, helped in the dark room. At least two more retouching schools are planned this winter, according to the instructors, who conduct the Boise E and E Retouching Service.

Patent Information

http://www.freepatentsonline.com/3964241.html

Inventors: Allen, Elaine (9223 Overland Road, Boise, ID, 83705)
           Schrier, Eileen (9223 Overland Road, Boise, ID, 83705)

Application Number: 05/492746
Publication Date: 06/22/1976
Filing Date: 07/29/1974
Export Citation: Click for automatic bibliography generation
Assignee: ALLEN; ELAINE
           SCHRIER; EILEEN
Primary Class: 54/80.2
EYE PROTECTIVE DEVICE

Inventors: Elaine Allen; Eileen Schrier, both of 9223 Overland Road, Boise, Idaho 83705

Filed: July 29, 1974
Appl. No.: 492,746

U.S. Cl. ................................................ 54/80
Int. Cl. ....... B65C 5/00
Field of Search 54/80, 81; 119/142, 119/143; 2/14 R; 14 G; 14 H; 14 L

References Cited
UNITED STATES PATENTS

3,104,508 9/1963 O'Hare, Jr. .................. 54/81
3,753,314 8/1973 Blessing .................. 54/80

FOREIGN PATENTS OR APPLICATIONS

729,347 12/1942 Germany .................. 54/80

ABSTRACT

An eye protective device for large animals such as horses wherein a flexible frame defining individual eye surrounding loops is secured on the animal's head and each loop mounts an outwardly bulging mesh panel that does not interfere with the animal's vision but bars passage of insects.

3 Claims, 6 Drawing Figures
Does anyone know any more about this family, the houses or the architects? I know one of the husbands started the Stagecoach Inn and the sisters were prominent in the horse riding and tennis scene. These houses are off Victory Rd between Five Mile and Maple Grove in Boise.

Comments

- **Lucy Burns Artis** Eileen did negative retouching for us, at The Burns Studio, for years. She was such a creative person. She made beautifully decorated carousel horses, life size, gorgeous creations. She made a fence around her sizable property, made of Christmas tree trunks! It was always so interesting to go to her house.
  - · 6d

- **Travis Aeschbacher** Mary and Marianne. Great people to work for. Their dad Willie started the Stagecoach.
  - · 6d

- **Diane Tipton** Willie Shidler & his twin daughters Mary & Marianne
  - · Bobbie Johnson Schrier

- **Betty Harris** I knew Willie & the girls well, but not Eileen the wife. Visited Willie many times at his home in McCall...always an experience. He was good buddies with Louie Howard from Lardo’s. Willie paid for several rooms at Shoe Lodge if my husband would come to McCall to talk to about his estate.......of course , we always met him in the bar at the Lodge......then over to Lardo’s for dinner...not sure how much estate talking got done but was always great fun. Willie had a million stories to tell about Old Boise!

- **Betty Steele Dippi** I visited there once. Must have been Eileen because I remember carousel horses and a 2-storey aviary. My friend knew her. I’d love to share this article with her but it’s too small to read in this post. Anyone have any idea where I might get the original article in readable form?
  - · Marisa Stevens Keith Betty Steele Dippi try this link. I found it on the Boise Library link for searching the archived Statesman articles

  https://infoweb-newsbank-com.proxy.boisepubliclibrary.org...“Twin%20sisters%20design”&docref=image/v2%3A114CF38DF1A90B10%40EANX-NB-15FB15C1A3001156%40242692-15FB087D9CFD8A5D%408-15FB087D9CFD8A5D%4040
Betty Steele Dippi Thank you so much

• Pat Christensen My Grandfather Noel Cook and his brothers built the house. I tried to screenshot the article but still can't read it. I would love a copy of this!

  o Marisa Stevens Keith Pat Christensen did your grandfather build any other notable houses in Boise or anywhere else?

  Or if the link doesn’t work I can email... See More

• Lori Dicaire Are these unique, historic homes threatened with demolition?

  o Marisa Stevens Keith Lori Dicaire yep

  o Lori Dicaire Marisa Stevens Keith why in the world? Is it for a housing development?

  o Marisa Stevens Keith Lori Dicaire yes. For a Subdivision. The current owner and developer plan to tear them down. Said they were not worth saving and would cost too much to fix up.

  o Lori Dicaire Marisa Stevens Keith OMG. That's horrible. There are no historic protections on the houses at all?

    I'd love to do a drive by this weekend. What's the address? Can you see much from the road? Are they vacant?

  o Heidi Thompson Spurlock I live right in the area, the plans are sad, tear down the homes and out new houses practically one in top of the other.
March 24, 2020

RE: File Nos. CAR20-00005, PUD20-00013 & SUB20-00009 / 9933 W Victory Rd
Music Subdivision

Dear Planning and Zoning Committee Members Stevens, Finfrock, Zuckerman, Schafer, Gillespie, Bratnober, and Stead:

We write as homeowners living in the surrounding neighborhoods of the proposed Music Subdivision, and are in opposition to the application requesting annexation, zoning, and planned unit development on the properties located at 9933 and 10151 West Victory Road.

The proposed annexation and preliminary plat should be denied because the proposed rezoning to R-1B is inconsistent with the current Boise City Code and Boise’s Comprehensive Plan “Boise Blueprint” which designates this area as Large Lots. These documents establish goals of maintaining and enhancing the existing “Semi-Rural Character” of the Southwest neighborhoods. The existing neighborhoods which surround this proposed application are stable, successful, highly sought after, and cherished.

The south west Victory-Mitchell area is designated as “Large Lot” in Blueprint Boise, and the Music Application derogates from the goals of the community. This existing semi-rural residential neighborhood is the largest (nearly a full mile square) of the few Large Lot designated areas that the Blueprint Boise has noted as worthwhile to retain and preserve.

The existing neighborhoods in the area of the Music Application are established and stable, and a well-matched infill of R-1A would be appropriate. As noted in Boise City Comprehensive Plan (BCCP) Appendix B page C-2: areas defined as “stable” include these qualities: “Stable or increasing property values, underlying zoning consistent with built pattern.” This is one of the last surviving areas where low density, livestock breeding, and small scale farms exist, with structures that hug the earth, are characteristic of the feel and magnetism of this unique existing area.

The Laws and codes in conflict:

Boise City Comprehensive Plan Blueprint Boise, Goal SW-NC1 is to maintain and enhance the semi-rural character of the Southwest, and notes that “large lot
development and large tracts of agricultural give the Southwest a semi-rural character.” (BCCP page SW-12). The BCCP adopts by reference the 1991 Southwest Community Comprehensive Plan (SWCCP) a guiding principle of which is to protect stable neighborhoods. Pursuant to the SWCCP, “a development approved or undertaken shall be in accordance with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the goals, objectives, policies, and programs of the Comprehensive Plan, as it existed at the time of the application to the City.” (SWCCP Page 1-5) In support of the theme of protecting stable neighborhoods, the SWCCP provides: “Although many of the City’s neighborhoods will continue to evolve over time, protective measures may be necessary in some locations to ensure that each neighborhood’s distinguishing characteristics are retained” and “encourage[s] residential infill that complements the scale and character of the surrounding neighborhood...” (SWCCP pages 2 – 36). The Music Application does not reflect, nor complements, the scale and character of the surrounding neighborhoods.

As stated in Boise City Code Title 11: Development Code for Subdivisions: “Purpose: To promote the public health, safety, and general welfare of present and future residents, and to ensure the coordinated and efficient subdividing of land.” And continues to note “2. Applicability: …if a parcel to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the regulations in this chapter would result in substantial hardship or inequity, the Council or Commission may waive or modify the regulations according to the procedures and criteria of Section 11-09-05.1 Modifications and Waivers.”

The southwest Boise-area neighborhoods surrounding the proposed Music Application are quintessentially semi-rural. The parcels to the west and south of the Music Application are all located in Ada County, and range from one to two acres in size. The parcels to the East include the new Diamante Subdivision that was developed recently and these lots are one half acre in size, but this is not the norm for the area. Further east of the new Diamante Subdivision are parcels that are one to two acres in size and larger. As reflected in the attached exhibits of illustrative photo-images (See attached Exhibits #1A through 1G), most of the parcels in the surrounding neighborhood have barns, shops, and other outbuildings, with sizable gardens and livestock. The subdivision to the north, across Victory road, has parcels of 10,000 square feet in size or more, but because that subdivision is located north of Victory Road and separated by a wide swath of landscaping (abutting Victory Road), it is not functionally part of the neighborhoods impacted by the proposed Music Application, and is also not within the Large Lot Semi-Rural neighborhood.

The surrounding neighborhoods to the south and west of the Music Application are “mini-ranchettes” and were specifically designed to accommodate a homeowner’s ability to establish small farm amenities. Horses, cows, sheep, goats, swine, chickens, gardens, and such are encouraged in this area. These ranchettes were developed in the late 60’s and early 70’s and homeowners today still enjoy the benefits of the large lots. These large lots allow the creation of food producing gardens and the tending of...
farm animals as food sources. Structures were designed to hug the ground, with low profiles and low roof lines. The majorities of structures are single level and split level homes of modest square footages. Height restrictions and 25 foot deep setbacks were written into the Roan Meadows Covenants. (Please see Exhibit #2 attached.)

The existing neighborhoods abutting the proposed Music Application often see horseback riding and horse drawn carriages on the streets. Residents cherish the fact that they own farm animals, and enjoy hearing chickens clucking, horses whinnying, and the braying of donkeys and cows. It is a unique tight-knit neighborhood where homeowners tend their land and share their bounty. Most neighbors throughout the neighborhoods can call each other by name.

Exhibit #3 attached superimposes the Music Preliminary Plat onto an image of the surrounding area south of Victory and dramatically illustrates the incompatibility of the proposed subdivision’s density within the adjacent semi-rural neighborhood. The proposed lots abutting the 1 acre parcels on the north side of Roan Meadows are approximately 1/8 of an acre in size.

Music Application Discrepancies:

The Music Subdivision Application (MSA) contains conflicting descriptions of lot sizes, home stories, housing character, and home square footages: MSA Exhibit D (See Exhibit #4) to the Preliminary Plat notes that homes “will be a mixture of one, two, and three stories.” This statement is in conflict with MSA Exhibit F (See Exhibit #5) which states: “The proposed homes are one and two-story homes…” Exhibit F continues: “We have designed the subdivision to buffer the existing homes adjacent to the west and south boundaries with parcels that are comparable in size and the [sic] density. The density will increase as you get closer to the center of the subdivision. The homes will be similar in style and size to the existing homes in the area…” Contrary to these assertions, the proposed subdivision parcels adjacent to the south and west boundaries are not comparable in size and density to the adjacent existing homes, and the proposed homes are not similar in style and size to the existing homes that abut this proposal. All the abutting structures are single level and split level homes on a minimum of one acre, with a maximum structure height of approximately 25 feet. The elevations and floor plans in Exhibit F of the Music Application all reflect two story structures.

Exhibit G of the Music Application notes “Goal NAC3.1.a.: Infill Design Principles: Encourage residential infill that complements the scale and character of the surrounding neighborhood.” This statement conflicts directly with the objective in “Goal NAC7: The Music Subdivision will add to the existing home types in the neighborhood by providing a housing type that currently doesn’t exist in the area.” (See Exhibit #6) These conflicting statements continue in “Goal NAC7.1: Encourage a mix of housing types and densities in residential neighborhoods, particularly for projects greater that two acres. The two goals above are being achieved by providing another housing option to the existing neighborhood. A diversity of housing types and lot sizes that attract families with children is also encouraged.” The only diversity of lot size
proposed by the Music Application is obtained by retaining the pond and existing Dunkley home acreage and a few corner lots. The majority of the proposed lots are an average of approximately 1/8 acre in size. The two different goals stated above are in complete conflict with each other. These conflicts open opportunities for the construction of homes that are incompatible with the local neighborhood character. Families sought out to purchase lots in the Diamante Subdivision due to the 1/2 acre lot sizes. (Diamante is referenced below.)

Another misleading statement found in the Music Application states: “The Music neighborhood proposes 67 single family homes at 3.47 dwelling units per acre.” This statement is very misleading, because the proposed 3.47 DU/acre is the average density and includes the existing home (on a 1.3 acre parcel), proposed roads, and subdivision landscaping, walking paths, and an unbuildable pond area. MSA Exhibit D also states that proposed lot sizes range from 5,040 square feet to 57,502 (the 1.3 acre existing home), but analysis of the Preliminary Plat reveals that approximately 40% of the lots are less than 6,000 square feet in size, (between 1/7 and 1/8 of an acre), and only three lots (including the 1.3 acre existing home and pond) exceed 12,553 square feet.

Other Infill Development in this Area:

A previously proposed development in this area, Grovecrest Estates Subdivision (SUB06-00119), would have been situated south of West Wright Street and East of Mitchell, just south of the proposed Music Application, but the Grovecrest Estates application was withdrawn after a Council vote in January 2007, that included a motion recommending that the density of the proposed subdivision be lowered to 1 dwelling unit per acre. (See Exhibit #7) Notably, the proposed lot sizes in the rejected Grovecrest Estates Application were substantially larger than those that are proposed in the Music Application’s Preliminary Plat, which average 1/8th of an acre.

A recently completed and moderately acceptable development infill in this area, known as Diamante Subdivision (SUB 400013) was approved in 2014. Neighbors brought to the attention of the City Council that the proposed subdivision was incompatible with the adjacent 1 two acre, stable existing neighborhoods, and in conflict with the Boise Comprehensive Plan. Subsequently the Council approved the Diamante application by adjusting the lot size to 1/2 acre, increasing the lot sizes substantially from what was submitted. (See Exhibit #8). Neighbors have commented that these larger lots are highly sought after by new buyers.

Property History and Irrigation:

The original homeowners of 9933 West Victory Road, Elaine Allen and her twin sister Eileen, used the unique low profile octagon homes to create full sized carousel horses on the property. (See Exhibit #9) They were also known to set out ice skates for the neighbor’s children to skate on their frozen pond. The pond exists today and is fed by irrigation water from the Farmer’s Lateral under the management of the Boise Project Board of Control.
Most of the flood irrigation from the properties to the south and west of the proposed development drain into the Farmers Lateral on 9933 Victory’s property. Neighbors are asking if the Music Application’s design of the pond and water system are adequate to accommodate the flood irrigation overflow. Excess irrigation has been an issue between neighbors. It is suggested that a study into what the functionality the pond was originally designed for should be considered, because it appears to be shrinking in size per the Music Application.

Will irrigation systems in the proposed Music Application be required to use Boise City Water as their irrigation source? Neighbors from the Diamante Subdivision note that they must use city water to irrigate their landscaping. This is an expensive answer to homeowners. Could the existing irrigation system be revised to sustain the Music Application’s common areas and each lot’s interior landscaping?

The Farmers lateral is listed as a cultural feature by the Idaho Gazetteer, in the Idaho Home Town Locator dated July 28, 2018. The Farmers Lateral travels through the land where the Music Application is proposed. (Please see Exhibit #10 and 11).

Recently experts have presented to Boise City Council that irrigation laterals should be maintained as open systems and not culverted. There is an acute need for open canals to support the wildlife and pollinators and encourage wildlife habitats.

Boise City is currently proposing to spend large amounts of money to “daylight” or open existing culverted laterals, such as Cottonwood Creek, and the Boise Canal. By allowing development to culvert existing laterals now, it could cost more in the future when it is desired to re-open them. Keeping these laterals open now for environmental and ecological benefits would be prudent.

It is suggested that the historic pond areas and existing irrigation network could be designed for a micro wildlife corridor and contain fallow areas with brush and open water channels for wildlife, bird, and pollinator habitats.

Furthermore, it is thought that this pond could be offered to Ada County Highway District as a filtering system, such as the amenity located west of 5-Mile and north of Victory at 10830 W Victory Road. (See Exhibit #12)

Area Wildlife:

There are many species of wildlife that call this “Semi-Rural” area home: cotton tail rabbits, red fox, muskrat, raccoons, skunks, quail, various birds of prey, such as Swainson’s hawk, Kestrels, Peregrine Falcons, Screech Owls, and the expected water fowl – Great Blue Herons, ducks of all varieties, and Canadian Geese. (See Exhibit #13). Pollinators, such as the honeybee and monarch butterfly use the pond and natural vegetation that grows on this land for their habitats. Multiple nests are utilized each year to raise young birds of prey, and migrating birds, in the cherished line of trees that exist along the southern property line of the proposed subdivision.
Traffic Concerns:

Walking and bike riding school children will use Mitchell to access Amity Elementary. For the majority of the street, Mitchell has no street lighting and no sidewalks. Now that Mitchell has been connected to Arabian Way, residents have seen a substantial increase in traffic with increased speeding. It is recommended that pedestrian safety be evaluated along Mitchell, from Victory Road to the Amity Elementary School property. Improvements could reflect the safety measures that were installed along Maple Grove Road between Victory and Overland roads, (curbing, reflector posts, and a shift of traffic lanes) which could retain the rural feel of the area.

The intersection of Mitchell and Victory on the south side has an abrupt rise in elevation which creates issues in foul weather and obscures visual sight lines for those turning onto Mitchell from Victory Road. (See Exhibit #14) A number of accidents have occurred due to vehicles sliding down this slope into the east-west traffic on Victory Road when roads are snow covered or icy. A traffic light may be required or re-grading of the intersection may be necessary to address this safety concern. We understand from ACHD, that improvements to Victory Road from Maple Grove to Five Mile are not in their financial plan for at least the next five years. The National Highway Institute (NHI) guidelines recommend a “less than 3% slope at 20 miles per hour” (the posted speed limit on Mitchell is 20 mph). Additionally, stacking at rush hours may compromise the clean air quality of the existing Semi-Rural Large Lot area. It is suggested that studies be conducted to determine if the existing slope meets the NHI guidelines.

Blueprint Boise notes in SW-C 1.2 states “Particular attention should be paid to new development to ensure compatibility with existing development including street system interconnections.” Neighbors are concerned that with the proposed additional 67 residences (or 126 vehicles per Statista) safety will be compromised through an increase in traffic congestion.

The group of concerned neighbors that authored this letter also submitted comments and concerns to Ada County Highway District, in opposition to the proposed Music Subdivision plan. These comments list questions, observations, and concerns regarding the Music Application submittal, specifically addressing traffic, roads, and the safety of school children.

Conclusion:

Attached is a petition (Exhibit #15) signed by concerned homeowners and residents from the affected neighborhoods adjacent to the proposed subdivision, urging the City of Boise Planning and Development Services and City Council to require a zoning of R-1A for the proposed subdivision. Also attached are concerns voiced by email from homeowners that did not get to sign the petition.

This application, as submitted, would impose an incompatibly dense, urban subdivision, thrown into a stable, successful, and highly regarded, Large Lot Semi-Rural residential farming neighborhood.
Far from ensuring that the existing Large Lot neighborhood’s character will be protected and retained, approval of the Music Application with its requested variances, would accomplish just the opposite, destroying the historical Large Lot Semi-Rural character and stability of the existing neighborhoods.

Thank you for your consideration.

Concerned Neighbors of the proposed Music Subdivision

Contact: Misti Daniels  
9957 West Roan Meadows Drive  
Boise, ID 83709  
208-867-0557  
mitchellvictorymusic@gmail.com

Enclosures
RESTRICTIVE AND PROTECTIVE COVENANTS
ROAN MEADOWS SUBDIVISION
Dated: August 30, 1969
Recorded: September 5, 1969
Instrument No. 724693

KNOW ALL MEN BY THESE PRESENTS:

HOWARD B. JENKINS and SHARON J. JENKINS, according to the plat thereof
filed in Book 22 of Plats, at pages 1116-1117, records of Ada County, Idaho,
under Recorder's Instrument No. 723779, and any conveyance describing any lot,
parcel of plat therein by reference to any number or designation on said plat
of by reference to any number or designation on said plat of said subdivision,
or otherwise, shall be subject to the restrictions, covenants and conditions
hereinafter expressed, and that by the acceptance of any such conveyance the
grantees therein, their, and each of their heirs, executors, administrators,
successors and assigns, covenant and agree to and with the undersigned, and
their assigns, as to such property described in such conveyance as follows:

1. All lots in said subdivision shall be known and described as
residential lots, and said lots or any part thereof, or any structure placed
thereon, shall not be used for any commercial purpose but the use of said lots
shall be limited solely to residential purposes.

2. No building shall be erected, altered, placed or permitted to
remain on any lot other than one detached single-family dwelling, not to
exceed two and one-half stories in height, and a private garage for not more
than three cars, and a shed to house not more than three head of livestock.

3. The ground floor area of the main structure exclusive of one-
story open porches and garages, shall not be less than 1000 square feet,
except that homes with bedrooms and other inhabitable rooms in a so called
daylight basement may have no less than 1000 square feet on each upper floor.

4. No building shall be located on any lot nearer than 25 feet
to the front lot line, or nearer than 10 feet to any side line. No building
shall be located nearer than 10 feet to an interior lot line, except that no
side yard shall be required for a garage or other permitted accessory building
located 10 feet or more from the minimum building setback line. No dwelling
shall be located on any interior lot nearer than 25 feet to the rear lot line.
For the purpose of this covenant, eaves, steps and open porches shall not be
considered as a part of the building provided, however, that this shall not
be construed to permit any portion of a building on a lot to encroach upon
another lot.

5. In order to better carry out and preserve the intentions of
the Grantors to make this subdivision strictly one of suburban acres, it is
agreed that in the event of further subdividing into smaller lots or tracts,
no lot or tract shall be sold or offered for sale containing less than one
full acre until public water or sewer is installed and in consideration of the
approval of said plat in accordance with suburban standards applicable to Ada
County Subdivisions. The plat of this subdivision shall not be amended by re-subdivisions or by metes and bounds
descriptions without prior approval of the Ada County Zoning Commission. Any
proposed re-subdivision of this plat must comply with the Ada County
standards for subdivisions in force as of the date of such proposed resub-
LOT SIZE 308.7' x 132.9'.

LOT SIZE 50' x 115' (VARIES).
Exhibit C — Annexation

The attached applications are an Annexation, Preliminary Plat and Planned Unit Development. The property is currently zoned RSW (Southwest Community Residential). We are requesting to annex and zone the property as R-1B (single-family residential). The R-1B zoning district allows for a maximum of 4.8 dwelling units per acre. Our proposal falls well short of the maximum allowed density for the zoning district at 3.47 dwelling units per acre.

Exhibit D — Preliminary Plat/PUD

The Music neighborhood includes 67 single-family homes. The subject property is adjacent to a transit corridor and has utilities that are available and can be utilized with no additional burden to the City or taxpayers.

DENSITY: The R-1B zoning allows for up to 4.8 units per acre per Chapter 11 of the zoning code; at 19.60 acres, the maximum density allowed is 94 lots. The Music neighborhood proposes 67 single family homes at 3.47 dwelling units per acre.

PRODUCT / LOT SIZES: We evaluated the area, market conditions, schools, services and nearby recreation to establish the housing product and associated site plan. Consistent with the existing community and the Comprehensive Plan, we have designed a site plan that consists of a mixture of residential lot sizes. The housing renderings included in Exhibit D are representative of what is anticipated to be constructed in the Music neighborhood.

RESIDENTIAL DESIGN: The Music Neighborhood consists of detached homes that will be a mixture of one, two and three-stories. Home sizes will range from approximately 1,800 square feet to approximately 2,600 square feet. Lots range in sizes from 5,040 to 57,502 square feet, with an average of 8,573 square feet.

EXISTING HOME: The existing home currently addressed as 10151 W. Victory Road will remain and become part of the development. The homes and other structures currently located at 9933 W. Victory Road will be removed as part of the development.

TRANSITION: We have designed the subdivision to buffer the existing homes adjacent to the west and south boundaries with parcels that are comparable in size and the density. The density will increase as you get closer to Victory Road.

DIMENSIONAL STANDARDS: As part of a planned unit development, an applicant may request modifications from the standard dimensional requirements for the underlying zoning district. The following setbacks and standards would be applicable to Voyager:

<table>
<thead>
<tr>
<th>Dimensional Standard</th>
<th>R-1B</th>
<th>Proposed Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Lot Width, Minimum</td>
<td>75 feet</td>
<td>65 feet</td>
</tr>
<tr>
<td>Front Yard, Minimum</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side Yard Interior, Minimum</td>
<td>10 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>Street Yard, Minimum</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Rear Yard, Minimum</td>
<td>30 feet</td>
<td>15 feet*</td>
</tr>
<tr>
<td>Lot Area, Minimum</td>
<td>9,000 sq. ft.</td>
<td>5,040 sq. ft.</td>
</tr>
<tr>
<td>Density</td>
<td>4.8 DU/Acre</td>
<td>3.47 DU/Acre</td>
</tr>
</tbody>
</table>

*Lots along the southern boundary of the site will have a 30 feet rear setback.
Exhibit F – Residential Design

The proposed homes are one and two-story homes ranging in size from approximately 1,800 square feet to roughly 2,600 square feet. We have designed the subdivision to buffer the existing homes adjacent to the west and south boundaries with parcels that are comparable in size and the density. The density will increase as you get closer to the center of the subdivision.

The homes will be similar in style and size to existing homes in the area and will help provide greatly needed housing stock to the area on two parcels that have been under-developed for years.

The following elevations and floor plans are meant to be examples of what could be built in the development and are subject to change.
**Exhibit G – Comprehensive Plan Goals**

**COMPREHENSIVE PLAN GOALS**

The following goals of the Boise City Comprehensive Plan are achieved with the approval of Voyager:

**Goal PDP5: Require adequate public facilities and infrastructure for all development.**
Boise City has existing facilities to provide sewer to this site. With very few parcels remaining this will assist with City budgets as there will be added users to contribute to the operation of an existing system. Suez also has facilities adjacent to the property that have adequate capacity to serve the Music Neighborhood.

**Goal NAC3.1.a.: Infill Design Principles. Encourage residential infill that complements the scale and character of the surround neighborhood.**
Music is an infill development that will add much needed roof tops near City Services, Shopping and Civic Facilities.

**Goal NAC7: Facilitate an integrated mix of housing types and price ranges in neighborhoods.**
The Music Subdivision will add to the existing home types in the neighborhood by providing a housing type that currently doesn't exist in the area.

**Goal NAC7.1: Mix of Housing. Encourage a mix of housing type and densities in residential neighborhoods, particularly for projects greater than two acres.**
The two goals above are being achieved by providing another housing option to the existing neighborhood. A diversity of housing types and lot sizes that attract families with children is also encouraged.

**MODIFICATION OF BOISE CITY CODE**

The applicant requests a modification to allow the garage faces to be setback 20 feet from the back of sidewalks. Approval of this modification does not affect the 20-foot stacking for a parked car as it relates to the sidewalk, allowing the parked car in the driveway without causing interference with the sidewalks.

**PRE-APPLICATION MEETING & NEIGHBORHOOD MEETING**

The Pre-application meeting was held with the Boise City planning and development staff on December 19, 2019.

The neighborhood meeting was held on January 13, 2020 at 6:00pm at the Ada Victory Branch of the Ada County Public Library, 10664 W. Victory Road Boise, ID 83709.
City be granted as requested subject to conditions stated in staff.

Roll call on the motion resulted as follows: YEAS: BISTERFELDT, CLEGGE, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Grovecrest Estates Subdivision SUB06-00119 Preliminary Plat with Rezone, Ada County, was before the Mayor and Council.

David Abo, Planning and Development Services, presented the staff report.

Richard Beck, 148 N. 2nd Street, Suite 101, Eagle, Idaho, applicant representative, addressed the Council in support of the subdivision.

Terry Little, Ada County Highway District (ACHD) and Dave Hanneman, Fire Department, answered the Council's questions.

John Konkol, 10193 Roan Meadows Drive; Alfred Kirby, 9307 W. Wright Street; Steve Ball, 9340 Lyle Street; David Logan, 9200 Lyle Street; Debbie Watterson, 9295 Lyle Street; Philip Darrington, 9290 Lyle Street; Beverly Stevenson, 9716 Wright Street and Charles Feast, 9730 Tanner Lane, addressed the Council in opposition to the subdivision.

Moved by SHEALY and seconded by JORDAN that Grovecrest Estates Subdivision SUB06-00119 Preliminary Plat with Rezone, Ada County be recommended for denial and that if Ada County does approve to plat the subdivision, that it be recommended to lower the density to 1 acre lots.

Roll call on the motion resulted as follows: YEAS: BISTERFELDT, CLEGGE, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR06-00065/Annexation/Tyler Pond request for approval for annexation of +/-8.12 acres located at 2400 S. Maple Grove Road with a zoning designation of M-1D (Limited Industrial with Design Review Overlay).
Planning & Development Services

July 18, 2014

Scott Noriyuki
Northside Management
6810 Fairhill Place
Boise, Idaho 83714
scott@northsidemgt.com
(sent via email)

Re: SUB14-00013 / Diamante Subdivision / Preliminary Plat

Dear Mr. Noriyuki:

This letter is to inform you of the action taken by the Boise City Council on your request for a preliminary plat for a residential subdivision comprised of 38 buildable and 3 common lots on 12.64 acres located at 3050 S. Mitchell Street on the southeast corner of Victory Road and Mitchell Street in a proposed R-1B (Single Family Residential) zone.

The Boise City Council, at their hearing of July 15, 2014, denied the Preliminary Plat of the Diamante Subdivision. The property was annexed and zone R-1A (Single-Family Residential 2.1 DU/Acre) and the subdivision exceeded the density allowed in this zone. In addition, the Council determined the subdivision design did not comply with the Comprehensive Plan as it is not compatible with the adjacent neighborhood.

This final decision by the Boise City Council includes the notice to the applicant of the applicant’s rights to request a regulatory taking analysis pursuant to Idaho Code 67-8003.

If you have any questions, please contact Todd Tucker in this department at (208) 384-3834.

Sincerely,

Hal Simmons
Planning Director
Boise City Planning and Development Services

TT/td
cc: SW Ada County Alliance Neighborhood Association / Attn: Nancy Power / (sent via email)
Twin Sisters Design Many-Sided Homes

Eating Alcoves Home Containing Lots Of Idaho Rock

EXHIBIT 9

Farmers Lateral in Ada County ID

Farmers Lateral - Cultural Feature (Canal) in Ada County

Farmers Lateral is a cultural feature (canal) in Ada County. The primary coordinates for Farmers Lateral places it within the ID 83709 ZIP Code delivery area.

In the Maps and Aerial Photos section below, you'll find links to: (1) Local area photos around Farmers Lateral, (2) A listing of the nearest hotels to Farmers Lateral and (3) Driving Directions to Farmers Lateral from almost anywhere. The location of Farmers Lateral is marked on an interactive map. The map can be searched by either business name or business category.
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<tbody>
<tr>
<td>Shane and Lorie Bolen</td>
<td>9739 W. Roan Meadows</td>
<td>Lorie Bolen</td>
<td>3/21/20</td>
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<tr>
<td>JUSTIN &amp; ABBY Bolen</td>
<td>9665 W. Roan Meadows</td>
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<tr>
<td>Dustin Patterson</td>
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<td>Kurt Saget</td>
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<td>Jenna Elsholz</td>
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<td>Michele Inskeep</td>
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<td>Richard Hennings</td>
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<td>Lindsey Garner</td>
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<td>Amy Zinner</td>
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<td>Janie McFadden</td>
<td>9500 Burnet Dr.</td>
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<td>Russ Brown</td>
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<td>Jim Gaver</td>
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<td>Jason Mitchell</td>
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<td>Suzanne Affleck</td>
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<td>Diana Archabal</td>
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<td>Linda Robbins</td>
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<td>Jane Henkel</td>
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<tr>
<td>Carrie Andrea</td>
<td>9305 W. Burnet</td>
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<td>Jon Mundy</td>
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<tr>
<td>DeAnna Mundy</td>
<td>10460 W. Roan 303 Rd.</td>
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<tr>
<td>Ehna Cardwell</td>
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<td>Deanna Mortell</td>
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<td>Craig Mortell</td>
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<td>Shv Hidley</td>
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<td>Julianne Shaw</td>
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<td>Brad Shaw</td>
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<td>Kelsey Spiegel</td>
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<td>Breanna Riley</td>
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<td>Karen Dibble</td>
<td>9240 Lyg St</td>
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<td>Jill Hanford</td>
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<td>Ira M. Hanford</td>
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<td>Teresa Hatch</td>
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<td>Mark Martinez</td>
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<td>Vanessa Martinez</td>
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<td>Valerie Thompson</td>
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<td>Neil Thompson</td>
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<td>Steve Thomsen</td>
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<td>Veronique Borbones</td>
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<td>Ruth Smith</td>
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<td>Zach Houkell</td>
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<td>Cynthia Combs</td>
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<td>H.S. Schweitzer</td>
<td>9205 Burnett</td>
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<td>Rood Green</td>
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<td>Randy Crump</td>
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<td>Tracey Jewell Dean</td>
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<td>Patricia Herfeld</td>
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<td>Alan Herfeld</td>
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<td>Lou Cendy Ball</td>
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<td>Ryan Blyhurst</td>
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<td>Haydon Longworth</td>
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<td>MARCY Sullivan</td>
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<td>Larraine Pence</td>
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<td>Al Forbes</td>
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<td>Joseph Bryant</td>
<td>9710 W. Wright</td>
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May 21, 2010

I agree with the petition for the Music Subdivision.

Donna M. Whitmire
9855 Roan Meadows Dr.

Donna M. Whitmire
WE VOTE NO TO EXCESSIVE GROWTH!!!!

Cindy Thorp <cindythorp@msn.com>  
To: "mitchellvictorymusica@gmail.com" <mitchellvictorymusica@gmail.com>, "mitchellvictorymusic@gmail.com" <mitchellvictorymusic@gmail.com>  
Sat, Mar 14, 2020 at 8:36 AM

We moved onto Mitchell from Kuna about five years ago. Before we purchased, I "cased" the area at different times of the day to see how was traffic, how many people were around etc., and made the choice to purchase.

We were extremely concerned when the subdivision was put in at my favorite empty land near Mitchell and Bienapfl (sp?) began to be developed. Over time, the free space where I used to let my dog run free is full of people with dogs and children and cars so we no longer go there.

Then came the subdivision at Mitchell and Victory. Won't go there anymore although the one acre lots make it acceptable.

The icing on the cake was when the small bridge over to the elementary school was replaced with an extended road. Now, cars with people taking their kids to school race down our street often at 40-50 miles per hour. We have complained to law enforcement.

Since we are still somewhat rural (what do they call it? Country living in the City?), I cannot comfortably even walk my well trained Rottweiler because people are strolling, often with out of control dogs constantly up and down our street. The front yard goes unused now.

This is not just about me and my dog. It is about the choices we all made to live in our neighborhood and have the quality of life we expected.

The intersection of Victory and Mitchell is downright dangerous so I have had to change my route to work. The extensive development on Cole and Lake Hazel have greatly increased our traffic and they are continuing to develop more. These new developments will only make the problems worse. I cannot be there today but please keep me in the line of communication and let me know what steps my husband and I can take to help combat this situation.

Thank you for your proactive actions.

With best regards,

Cindy Thorp, Mitchell Avenue Resident
Reminder for emails to ACHD, all attachments, PETITION SIGNATURES

Nicola Wall <nicolasakcpets3@gmail.com>  
To: Concerned Neighbors <mitchellvictorymusic@gmail.com>

Sun, Mar 22, 2020 at 5:58 PM

We are against this subdivision coming in due to traffic concerns on Victory Rd.

David. and Nicola Wall, 10225 W Victory Rd Boise 83709

> On Mar 22, 2020, at 2:47 PM, Concerned Neighbors <mitchellvictorymusic@gmail.com> wrote:
> 
> [Quoted text hidden]
Concerned Neighbors <mitchellvictorymusic@gmail.com>

Music Estates Subdivision plan

Debbie Hepworth <debbie@magicvalleytruckbrokers.com>
To: "mitchellvictorymusic@gmail.com" <mitchellvictorymusic@gmail.com>

Wed, Mar 11, 2020 at 1:50 PM

We live on W. Roan Meadows and are concerned about this new development. The new one that just went in on S. Mitchell and Victory by Corey Barton builders was a tough one for all of us that live on 1 to 5 acre lots in this area. That would have been better had those been at least half acre to acre lots to fit in our area better. Victory Road needs to be 4 lanes to handle the additional traffic that will be incurred. Also again we would like to see acre lots that fit this area especially for folks that have pasture animals and not be annexed into the city limits. Our taxes are already too high and this would make them worse. With this many homes a stop light of some sort would probably be needed. Just getting out on S. Mitchell onto Victory is terrible during certain parts of the day. We would express our thoughts at the meeting but we are unable to attend. Thank you for your time, Clyde and Debbie Hepworth

Debbie Blaser

Magic Valley Truck Brokers, Inc.

2906 S. Featherly Way

Boise, ID 83709

1-800-635-3053

208-947-8256 fax

Direct Dial 208-488-7173

www.magicvalleytruckbrokers.com
We would like to sign the petition. We’re at 4040 s Mitchell. You can text me at (208) 409-3529 for a good time to stop by. Thank you- Khimilee Martin
Hi
Michael Smith &
Ami Geyer at
9320 Burnett Dr
Boise ID 83709

Are against the subdivision as designed and approved.
Thank you,
Michael Smith

Sent from my iPhone

> On Mar 22, 2020, at 1:47 PM, Concerned Neighbors <mitchellvictorymusic@gmail.com> wrote:
> 
> [Quoted text hidden]
Reminder of Meeting Tomorrow re: Neighborhood

Rae Casey <rcasey@georgefox.edu>  
To: Concerned Neighbors <mitchellvictorymusic@gmail.com>

Sat, Mar 14, 2020 at 9:00 AM

Hi,

We can't attend today, but would like to add our concerns

1. Traffic - With exit from the subdivision only at S. Mitchell, we anticipate that getting out onto Victory Road is going to become impossible. It's already difficult at certain times of the day. For those who need larger equipment, excavators, landscapers, animal owners, who already live in the neighborhood, using S. Mitchell is going to be even more of a problem, which will force them and other drivers through smaller streets, like Seneca or Roan Meadows. There needs to be another exit out of the subdivision and a light on Victory, possibly expansion of S. Mitchell Road to accommodate the traffic.

2. Home density is too high for that much acreage. We propose at least some quarter-acre lots, with several half-acre lots.

Gary and Rae Casey

--
Rae Casey, Ph.D.
Associate Professor
Management and Organizational Leadership Program Lead
Project Management Program Lead
208-573-1963 or 208-362-6023
We are against the Music Sub. We do not want it built. Please put Shawn and Sarah Del Vecchio down for not wanting the sub built.

Sent from my iPhone

> On Mar 22, 2020, at 2:47 PM, Concerned Neighbors <mitchellvictorymusic@gmail.com> wrote:
> 
> [Quoted text hidden]
Reminder for emails to ACHD, all attachments, PETITION SIGNATURES

STEVAN BOGGS <steveboggs@q.com>
To: mitchellvictorymusic <mitchellvictorymusic@gmail.com>

Mon, Mar 23, 2020 at 4:58 PM

Sent: Sunday, March 22, 2020 2:47:15 PM
Subject: Reminder for emails to ACHD, all attachments, PETITION SIGNATURES

[Quoted text hidden]
JOYCE AND I ARE VERY CONCERNED WITH ALL ISSUES. TRAFFIC HAS DOUBLED ON W ROAN MEADOWS SENSE CBH HOMES WENT IN

Fwd Email to send to neighbors.zip
4078K
SORRY MY WIFE AND I CAN NOT ATTEND SWACA MEETING FOR MUSIC ESTATES SUBDIVISION. JOYCE AND I APPOISE OF ANY MORE THAN 1 HOUSE PER ACRE. THANKS STEVE AND JOYCE BOGGS  10101 W ROAN MEADOWS DR.
March 19, 2020

RE: SUB20-00009 / 9933 W Victory Road - Music Subdivision

Dear Commissioners Hansen, Arnold, May, Goldthrope and Baker:

We write as homeowners living in the surrounding neighborhoods of the proposed Music Subdivision, and are in opposition to the application requesting annexation, zoning, and planned unit development on the properties located at 9933 and 10151 West Victory Road.

The Music Subdivision application does not reflect, nor complements, the scale and character of the surrounding neighborhoods.

The picture inset superimposes the Music Preliminary Plat onto an image of the surrounding area south of Victory and dramatically illustrates the incompatibility of the proposed subdivision’s density within the adjacent semi-rural neighborhood.

Walking and bike riding school children will use Mitchell to access Amity Elementary. For the majority of the street, Mitchell has no street lighting and no sidewalks. Now that Mitchell has been connected to Amity Road, residents have seen a substantial increase in traffic with increased speeding. It is recommended that pedestrian improvements be required to be implemented along Mitchell, from Victory Road to the Amity Elementary School property for a safe route for the schoolchildren.

It should be noted: the intersection of Mitchell and Victory on the south side has an abrupt rise in elevation; which creates issues in foul weather. A number of accidents have occurred due to vehicles sliding down this slope into the east-west traffic on Victory Road. A traffic light may be required or re-grading of the intersection may be necessary to address this safety concern. The National Highway Institute guidelines recommend a “less than 3% slope at 20 miles per hour” (the posted speed limit on Mitchell is set at 20 miles per hour). Additionally, stacking at rush hours may compromise the clean air quality of the existing Semi-Rural area. The rise in elevation also obscures traffic.
entering southbound onto Mitchell Road from Victory, there is a concern that accidents will occur.

Most of the flood irrigation from the properties to the south and west of the proposed development drain into the Farmers Lateral on 9933 Victory’s property. Neighbors are asking if the design of the pond and system are adequate to accommodate this historic irrigation. Furthermore, it is thought that this pond could be offered to Ada County Highway District as a filtering system, such as the amenity located west of Five Mile and north of Victory at 10830 W Victory Road.

Ada County Highway District installed a storm water facility pond that filters storm water runoff through engineering and designed vegetation. This pleasing amenity was installed with walking paths and informational signage. The existing irrigation pond located on 9933 West Victory Road could also be developed to similarly accomplish water filtering and storm water cleaning.

Recent studies have presented that irrigation laterals should be maintained as open systems, and not culverted, as noted by Dr. Richard Llewellyn Northwest Neighborhood Association President and Biochemist there is an acute need for open canals to support existing wildlife and pollinators and encourage wildlife habitats.

The application, as submitted, would impose an incompatibly dense, urban subdivision, thrown into a stable highly regarded semi-rural neighborhood. Far from ensuring that the neighborhood’s distinguishing Semi-Rural character will be protected and retained, the Music Application would accomplish just the opposite, destroying the historical Semi-Rural character, and stability of the existing neighborhoods.

Thank you for your consideration.

Concerned Neighbors of the proposed Music Subdivision

Contact: Julianne Shaw
9950 West Roan Meadows Drive, Boise, ID 83709
(208) 407-0369
Julianneshaw2012@gmail.com
Thank you, I gave your email to the neighbors at Saturday's gathering they held to discuss this project.

SWACA would like to see the below things incorporated into the development.
1. The existing access ramps along Victory to the pastures filled so that there is continuous level sidewalk.
2. The possibility of a stop light at Mitchell and Victory, or a pedestrian crossing across Victory at that intersection.
3. Crosswalk painted across Mitchell as it is on the North side of the intersection.

Neighbors had concerns about the route to Amity Elementary along Mitchell with the increased traffic the area has seen lately.
General concerns with the amount of traffic and being able to safely turn left from Mitchell onto Victory. Mitchell near Victory not being maintained during winter months and when it snows it is slick enough that they sometimes avoid using it so as not to slide out into Victory.
They wanted the most current and historical crash data for Victory between Maple Grove and Five Mile (Or if you can tell me where to get this I can request it myself)

Thanks,
Marisa Keith
SWACA
Hello Ms. Battles and Mr. Homes,

I am writing as a resident of the Roan Meadows Subdivision. The proposed development of Music Estates is on land that currently is part of or adjacent to the Roan Meadows subdivision. While I am not opposed to the development, I have 4 concerns for this project in its current proposed configuration. Overall, these are all driven by the high proposed housing density. Apologies for the length here but I wanted to express my thoughts in writing and for reference.

TRAFFIC & PARKING: While traffic is the domain of a ACHD, it should be noted that the density of housing and a single outlet from the subdivision empties onto a small street, Mitchell, which subsequently possesses a single outlet onto Victory Road. Another subdivision was built across from this land a year ago resulting in increased traffic on Mitchell. This is insufficient for the number of homes and vehicles proposed. A related concern is parking given a very high housing density. It is a running joke that everyone in Idaho has several vehicles and a travel trailer. This current proposal does not provide enough parking an average of 2 vehicles per household. This is a safety concern.

HOUSING DENSITY: The original CC&R’s for Roan Meadows Subdivision require 1 acre lots. While there is a legal effort to differentiate this property from the original subdivision, it is not in accordance with the surrounding housing. The Diamante subdivision was built across from this land a year ago and the original proposal was close to the proposed density for Music Estates. Our neighborhood organized and a reasonable density was eventually reached with homes built. I have spoken with my attorney and a precedent exists in Idaho for legal action against both the state and developer where small high density homes built into an area with greatly differing housing density has lowered property values. I know that several neighbors in the Roan Meadows subdivision, several of which are practicing attorneys and one prosecutor, have also consulted counsel and have mentioned this. This violates the CC&Rs of the original land and results in economic harm for the area. The bottom line is that the proposed density is far too high. This has been raised at both public meetings with the developer’s representative. I do not know the required density calculations of the Carolina subdivision (across Victory), but a PUD is NOT in line with any of the housing developments around it. The current proposal is solely in the economic interest of the developer.

IRRIGATION RIGHTS: Many of us that have lived on this street have irrigation rights as a component of our land. The water supply is finite and none of us have been asked nor would we agree to subverting a significant amount of this water for new development. This directly impacts our water right by diluting the quantity available across a far greater number of homes. Water rights should not be extended to this subdivision unless it maintains the 1 house per acre as described in the Roan Meadows CC&R’s.

HISTORY, ECONOMY, PROJECT & PANDEMIC: Two years ago, the church on 5 Mile & Victory sneakily purchased 2 homes at the corner of Roan Meadows and Victory. They
then asked the neighborhood for a variance as they wanted to bulldoze the homes and build on to the church. Our neighborhood responded and we assembled to combat their effort. Since then, those homes have been or are being sold back into the residential market. This was followed by the Diamante subdivision fight and build out. I am not sure what the fascination with trying to insert these efforts into our subdivision is but we simply cannot, as responsible people, build out every inch of Boise so developers can rake in more profit. This does not benefit us as a community. With our current pandemic, PUD style density creates a Petri dish for humanity. This is a public health concern. The basic point again is that the proposed density of the development is very high. I will warn that given multiple threats to the Roan Meadows subdivision, the possibility of legal action is very high at this point creating liability for all involved. We, as residents, are tired of fighting off threats.

I would ask you please consider these logical points and take one of 2 actions. (1) Given were we currently are in the economy, consider denying the building until we can assure there will be an economy available for people to buy. At a minimum, require a bond be posted for completion of any approved construction. Half finished bankrupt projects are not in Boise’s interest. (2) At a minimum, please require the new subdivision abide by either the Roan Meadows or the Diamante subdivision lot and green space sizes. One last time, the proposed density is very high and inconsistent with the housing around it.

Thank you for your time and attention. Could you please respond with acknowledgement or receipt? I am available, and reasonable, should you have any questions. I am sure that receiving emails that constantly complain can’t be a fun job. Personally, I appreciate the job you are doing and my experience here in Boise (moved from NYC 5 years ago) has been that overall, the city and state has a tendency to strike an excellent balance.

Thanks again,

Randall Shane, PhD
208.246.9167
Ted and Tracy Price  
9901 W Roan Meadows Drive  
Boise, Idaho 83709  
tnprice7@gmail.com

March 19, 2020

Dawn Battles  
Planner  
Ada County Highway District  
3775 Adams St. Garden City, ID 83714  
Tel:208.387.6218  
dbattles@achdidaho.org

Dawn,

As neighbors in the community being affected by the proposed Music Subdivision, we would like to voice some concerns for ACHD to address to Planning and Zoning. (Sub20-00009 Music Estates)

Our first concern is safety. As you may already be aware, where Mitchell and Victory meet there is an incline that makes it difficult to see what is coming at the rise of the hill. With the proposed Music Subdivision entrance and exit it would make it difficult to see any vehicles until you are upon them at the rise of the hill.
Recipient Name
Date
Page 2

Another concern is all these homes, proposed 67, would likely have at least two vehicles and at rush hour to get to work, there would be increased demand on that intersection at Victory and Mitchell. Currently you are not able to easily make a left hand turn onto Victory, and if someone chooses to turn left, you are waiting for a very long time for that one vehicle that blocks all traffic turning onto Victory.

Another concern is in the wintertime ice develops on that incline and with increased traffic will make the ice worse at Mitchell and Victory, there will be increased potential to slide into the vehicle in front of you.

Another concern is the added traffic from the new subdivision will compound the existing safety issues when walking, walking with dogs, or riding on horses on Mitchell street. When the road at Mitchell and Arabian Way was opened for the new subdivision, we noticed increased speeding of vehicles on Mitchell street as we have walked the streets and when driving home. As I have visited with my neighbors, they have noticed the speeding on Mitchell as well and told me that those speeding were not been very congenial when they have asked to slow down.

Another concern with increased traffic is the safety of the neighborhood children as they walk to Amity Elementary school. This is a rural area without sidewalks. Young children tend to walk out in the street at times. With talking to our neighbors, they and we are concerned children may get injured because of increased traffic and because of the speed with which people travel down Mitchell. With the increase in density there will likely be more children walking down Mitchell to get to Amity Elementary school.

Our preference is to decrease the density which would decrease the traffic, maintain the rural atmosphere and safety in our neighborhood.

Please verify that you have received this email.

Sincerely,

Ted and Tracy Price
Joseph G. Gallagher  
3655 S. Carie Ave  
Boise, Idaho 83709  
(208)362-0279  

March 23, 2020  

Kevin Holmes:  

In regards to Music Estates subdivision on Mitchell and Victory. It's almost laughable to think this project meets the criteria to move forward. The negative impact on surrounding properties is crucial. My family and neighbors moved here for a natural and rural lifestyle. Our children used to ride their horses from our house to Amity school, now with the current growth it's barely safe to walk that same route. The negative impact of 60-90 homes within two blocks of us would be nothing close to keeping in line with current properties. The adverse effect on the volume of traffic, the natural setting and housing density would be devastating to current residents. One more point a traffic light at Victory and Mitchell would cause a massive gridlock between Five Mile and Maple Grove, and all two lane roads within miles of said project. If you get out of your office and come to said location Victory between Five Mile and Maple Grove during commute hours I am sure you would agree with my opening statement as laughable.

Joseph G. Gallagher  
Sent from my iPhone
Steve & Milena Hickey
3185 South Linda Vista Ave.
Boise, ID, 8309
Email: smshickey@sbcglobal.net
Cell #: (530) 550 5081  March 24th 2020

Regarding: Music Sub-Division, Victory / Mitchell- PUD20-00013

To: Dawn Battles, Kent Goldthorp, Ken Holmes and: To Whom It May Concern

Hello neighbors and board, planning, building and implementing members

We moved here only a short while ago, and already having to use our elbows to keep our space! We picked the CBH new subdivision, as it offered just that: Space! We loved the fact that there are peacocks greeting us every morning and many even protected species across the street from us. The livestock and rural properties are definitely another main reason why we picked this place. We have still not recovered from the fact that this will no longer be as it is now. Don't get me wrong, I am not against growth, but there is a guideline and a limit, of what you can put your neighbors through, before you chase us out again!

Here are our concerns for the new incoming subdivision:

Traffic: Our backyard is right along the ONLY entrance at Mitchell and will most definitely have an increase in exhaust, pollution and noise into our backyard. There is no way I can call any of my vegetables “organic”, when this is going to happen, as the exhaust will seep down over the fence into my planting section and linger there.

Not only will this overall pollution happen in the back yard, but also in the front yard, as the new neighbors, sick of waiting in queue to the entrance into Victory lane, will cut through the CBH neighborhood. They will definitely drive from Mitchell to W Roan Meadows Dr. to S Linda Vista and finally to W Burnett Drive, to avoid gridlock! As you most likely know, the neighbors at W Burnett have successfully downsized the amount of homes in the CBH community, precisely because of that reason! As of today, even on a day where there is no traffic, supposedly, because of the Corona Virus “shut down”, I count and watch 30 plus extra cars driving by. On a non “Corona” day it will be much higher, and on a day when the new community wants to get out of their housing track or back in .... You make the call!
We are also concerned about the traffic affecting our children going and coming from schools nearby and or playing in our streets, as we don’t have a park in our neighborhood. (Molenaar Park is the closest).

As for the traffic, which is already overcrowded on Victory, I probably don’t need to add anything, because if you check in the mornings and evenings, it will speak for itself. We are frequently on the traffic update on the radio!

And lastly on traffic: Have any of you thought about, what a one way entrance and exit would do on a daily bases, for those folks going and coming each morning and evening? Imagine they all leave about the same time and come home about the same time, having to go through that bottleneck?!

Nature:  I hear a lot of “save the planet” terms these days among many, by the new Boise mayor and her government. How important it is to save the birds of prey that live here? How important it is to save other endangered species, including the waterways that are still part of our neighborhood! Or do they only care until the Dollar is speaking louder? If by chance you’d say:” We need more housing for people to afford”, then it will be an untrue assumption, that folks who cannot afford housing, will have an easy “in “ here, as they are not cheap homes, regardless.

Also: The trees that are on the properties, many are 3 stories high, and give lots of shade, privacy and rest to animals and neighbors alike, not speaking even about the value and beauty they give to this neighborhood!

We are not going to mention all issues we will have with this new project. But it’s imperative that you know, that we will be fighting for a smaller community that fits the neighborhood better namely 1 Acre to 2 Acre lots, or even give up the project all together!

It seems to us, that a planning like this should be more true to what fits the neighborhood, than what stands in planning now!

Please reconsider! We are available any time; someone wants to hear more of our input.

Thank you kindly

Milena and Steven Hickey
Ted and Tracy Price
9901 W. Roan Meadows Drive
Boise, ID 83709
ttprice7@gmail.com

3/24/2020

Kevin Holmes
Boise City Planning and Zoning
150 N Capitol Blvd
Boise, ID 83702
kholmes@cityofboise.org

Regarding SUB20-00009 Music Subdivision

Dear Kevin Holmes:

We would like to go on record to say that we agree with the letter written by the Concerned Neighbors and oppose the Music Subdivision proposal as submitted. We would also like to bring to your attention the following.

Lifestyle

We moved to this area 25 years ago and we were looking for a home with land to raise dogs, chickens, steer, raise a garden, and raise our children in a semi-rural area. Raising our children in this semi-rural neighborhood has been a wonderful learning experience for our children, and our children thanks us often for raising them with the animals. We have attached photos of our family enjoying one of our steers and working together in the garden on our one-acre property. Each year we raise a steer, and in the Fall, we have the steer butchered for beef for our family.

Those that purchase homes on 1/8 acre lots like those proposed in the Music Subdivision typically have no interest, and have no room, to raise animals or livestock. We fear that it may cause discord within our neighborhood when they smell the odors that may come from living in a semi-rural area. For instance, those homeowners may not want to allow the mobile butcher to come down our streets as they have done every year, and if they complain to the city we fear the city may try to take away our right to have livestock which is allowed in our subdivisions covenants. Another concern would be that the city may want to annex our property next, and that may take away our right, or future rights of those that purchase our home, to raise animals and livestock on our property. Will the city allow the subdivisions with large lots to continue to raise livestock and pass that opportunity onto those who purchase the properties in the future so they can raise their children in a semi-rural neighborhood?
Discrepancies

There are many discrepancies within the proposed Music subdivision that appear to be purposefully misleading. For example, the proposed Music subdivision speaks in one area that the proposal is consistent with the existing community and Comprehensive plan, but the Comprehensive Plan calls for Large Lots which is not what is being proposed. Music Subdivision proposal states in another area that the homes will be similar in style and size to the existing homes in the area, misleading again. Music Subdivision proposal state in their plan that they will be providing a housing type that currently doesn’t exist which does not match being consistent with the existing community. They also state the homes will be one to three stories and in another place one to two stories. Our homes in the area are either single level, tri-level, or two levels that include a basement. We find it concerning that within the new neighborhood there will only be one home that is on an acre property. We feel it will be more congruous within the new neighborhood and the surrounding neighborhoods if there were one-acre properties around the perimeter and half acre properties in the center and North side near Victory, or the ecology for the area.

Irrigation

We are also very concerned that the Music Subdivision Proposal has not taken into consideration what the subdivision will do to the irrigation of the properties surrounding the subdivision. It appears that the pond has decreased in size and the Farmers Lateral will be culverted which we feel is not in the best interest of the neighborhood.

Traffic

Our final concern would be the increased traffic onto Mitchell and how the subdivisions only entrance and exit is so close to Victory Road, and so near the incline on Mitchell Street. We currently have a difficult time getting onto Victory during rush hours, and the increased density would make this worse. We are currently not able to make left hand turns onto Victory and if someone tries, it usually backs up traffic onto Mitchell for a very long time.

Thanks for your consideration,

Ted and Tracy Price

Enclosure
Teaching our children, the benefit of gardening, joy of having livestock, and work ethics.
Dear Mr. Holmes,

Our home is located approximately 1/8 mile from the above mentioned proposed development. We have lived here for over 10 years on 2.5 acres and appreciate the unique nature of this pocket of Boise -- a rural feel but close to downtown, the airport, shopping, etc.

As horse owners, this is an extremely rare neighborhood and while we embrace growth and development as desirable and necessary, we also respectfully ask that you consider placing reasonable restrictions on density for the proposed development in order to remain in-line with the immediately surrounding area.

Leaving the zoning as it currently exits in place, without waivers or exceptions, would accomplish that goal.

In addition to density, our second most pressing concern is the flow of irrigation water, as our property value is tied to our ability to keep our acreage green and thriving, as well as supportive of our livestock. To our knowledge, there is no plan by the developer to address the flow of unused irrigation water through the Music development. This is unacceptable as it will open all of us in the area who rely on summer irrigation to potential issues and even the possibility of litigation.

Thank you for your time and for considering the needs of our neighbors.

Yours is not an easy task (juggling the needs of both existing and proposed developments) but we believe strongly that our concerns are both reasonable and legitimate, and should therefore be weighed accordingly.

Kind regards,

Joe Baxter & Cindy Sikkema
9891 W M'ren St
Boise, ID 83709
208-761-2006
My husband and I live at 10051 W. M'ren St, very near the proposed subdivision. The current homes in our neighborhood sit on 1 + acres of property in a semi-rural setting, one of the last such neighborhoods to survive the over-development of Boise. The proposed construction of 67 homes of up to 3 stories built 10 feet apart on lots averaging 1/8 acre is a high density that doesn't fit in. It will increase traffic beyond capacity on Mitchell, destroy the pond/canal that is one of the few areas left for wildlife, and will destroy the neighborhood's rural lifestyle. We purchased our homes exactly because of this rural setting, and we pay high taxes to live here. It's one of the few neighborhoods left where we can grow large gardens, raise animals, and enjoy the wildlife.

The subdivision plan should be for 1-acre+ lots designed around the existing pond and open canal. The builder's goal to encourage a mix of housing types that supposedly don't exist in the area is ridiculous. The overdevelopment in Boise and most of the Treasure Valley has created crowded subdivisions all over town if that's what families want. (But from what I see on "Next Door", houses crowded together on tiny lots with people living on top of each other creates unhappy neighbors.) We need to preserve this rare semi-rural setting from 5 Mile to Maple Grove. The developer is only interested in making lots of money and will then move on to the next piece of land to repeat. We will be left to live with his mess. Please don't let him ruin our neighborhood. This neighborhood needs to be zoned for 1-acre minimum lots and no further consideration should be given to high density developments.

Thank you for your consideration of our concerns.

Melvin L. & Susan Holman
10051 W. M'ren St., Boise 83709
208.329.4050
From: MISTY DANIELS <dmdaniels@cableone.net>  
Sent: Tuesday, March 24, 2020 8:07 PM  
To: Dawn Battles <Dbattles@achdidaho.org>  
Subject: SUB 20-00009 Music Estates Concerns

[THIS EMAIL ORIGINATED EXTERNALLY. PLEASE USE CAUTION WHEN OPENING ATTACHMENTS OR LINKS INSIDE THIS EMAIL.]

As neighbors in the community that will be affected by the new proposed Music Estates we would like to highlight some concerns we have.

We are concerned about the safety of the drivers as they come up the hill on Mitchell toward Roan Meadows Drive. There is quite an incline and those coming off of Victory Road onto Mitchell will not have a clear view of exiting traffic out of the new Music Estates. Also, many children walk that path as they go to either Amity Elementary, Maple Grove Elementary or West Junior High and the visibility and traffic will both be a safety concern.

The current application for Music Estates is 67 to 94 homes with an average of two vehicles each which means we will have 134 to 188 additional vehicles coming and going out of only one street onto Mitchell to travel onto Victory Road. Currently Victory Road and Mitchell has no traffic light and is already quite difficult to turn right onto in rush hour traffic (almost impossible to turn left onto).

Finally, currently Victory Road at Mitchell is only a two-lane road that currently can not handle the demand for existing traffic not to mention the additional traffic that 134 to 188 extra vehicles will place on it.

We would appreciate your consideration of rejecting this proposed application of Music Estates due to the reasons stated above.

Sincerely,
Darrin and Misty Daniels  
9957 West Roan Meadows Dr  
Boise ID 83709
Dear Mr. Holmes,

My name is Alison Haws & my Husband is Scott. We live at the Residence at 9980 W. Roan Meadows Dr. Our property backs up to this proposed subdivision where it appears they aim to place 3 new homes that will span our back fence.

I would like to go on record with my concerns. First and foremost I agree with all of my neighbors concerns.

The safety issues with only one entrance for that many homes & people, especially during emergencies, is alarming to me.

My personal concerns & the reason we purchased this property was because of its rural feel with all of the trees, nature and wildlife we see & enjoy. It offers us privacy & solitude. I realize there is room for growth & development but would ask that you consider that the development match what is already here by limiting the number of lots to about the same size surrounding it on the south side of Victory & West side of Mitchell. I would also ask that you would consider protecting the privacy of the residents that border this development by not removing the mature trees that border our properties. They offer & would help maintain the privacy we all love & enjoy. The possibility of 2 & 3 story homes will diminish the serenity we have here greatly.

Thank you for considering our concerns.

Respectfully,

Alison Haws
To Whom It May Concern,

We are writing in opposition to the Music Estates Subdivision which is just a short distance from our home on Lyle Street. We recognize that development will occur, however the density is just too much and is not consistent with any of the existing surrounding neighborhoods especially to the south, east, and west. These older established neighborhoods are one and two acre lots. In 2011 at the end of our dead end street a developer purchased 12 acres of pasture from one of our neighbors. This pasture is completely surrounded by 2 acre parcels. Most of the neighbors have farm animals. The developer originally proposed over 40 homes packed into this 12 acres. After meetings with Boise City, Ada County, and concerned neighbors, the density was drastically reduced. Today there are four, 3 acre lots on this property. Two houses have been built this year and 2 more are planned. The neighbors are very happy that the traffic down our dead end street is minimal compared to the 40 that were proposed. The name of this subdivision in 2011 was called Grovecrest if you would like to reference it. The developer is Scott Tennant. The traffic on Mitchell Street has already been greatly increased with the opening of the road into the new South Creek subdivision. This is a major road for kids to walk to Amity School and there are no sidewalks at all. We would hope that the density of this subdivision will be greatly reduced to limit traffic especially since the proposed entrance and exit is all onto Mitchell Street. We would also hope that the lot sizes be enlarged to be compatible with existing surrounding areas. Thank you for listening to our concerns.

Sincerely,
Philip and Karen Darrington
9290 Lyle Street
Boise
Hello,
I am a concerned neighbor that would be directly across from newly proposed subdivision. I live on Linda Vista, and my back yard would be facing that new subdivision. We have an overwhelming concern with the amount of increased traffic on Mitchell, with that being an entrance to so many homes!! Every household would own 2-4 cars. Victory-Mitchell intersection would be insanely busy. Also, the proposed tiny lots do not jive with the neighborhood. We suggest larger lots, like ours, half acre each at least. Me and my neighbors are really hoping we can compromise on the number of proposed homes. Please confirm the receipt of this email.

Concerned neighbors,
Joe and Elena Cardwell
3083 S Linda Vista Pl
Boise, ID 83709
City of Boise  
Planning and Development Services  
Attention: Kevin Holmes  
150 N Capitol Blvd  
Boise, Idaho 83702

April 29, 2020

RE: File Nos. CAR20-00005, PUD20-00013 & SUB20-00009 / 9933 W Victory Rd  
Music Subdivision

Dear Mr. Holmes:

I submit this letter in addition to, and in support of, the comment letters previously receive regarding these applications.

I am in opposition to the application requesting annexation, zoning, and planned unit development on the properties located at 9933 and 10151 West Victory Road, as referenced above, because this proposal does not meet the goals of infill, as defined by the Boise City Comprehensive Plan.

How is this infill development compatible and more importantly a benefit to the community? Will the amenities (pond and walking areas) be accessible to the general public and neighbors? There has been extensive re-grading and infill on the parcel located at 9933 W Victory Road. I wonder if the soils are suitable for residential development.

As Ada County Code 8.6.3 Process: D. Natural Features Analysis notes:
2. Soils: Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on the Ada County soils survey (United States department of agriculture, natural resources conservation service).

Ada County Code Chapter 3 Overlay Districts, specifically Article C Southwest Planning Overlay District 8-3C-3 c: Standards:
C. Creeks, streambeds, and riparian areas within new southwest community development shall be left in a natural state, not channeled, and kept free of any obstructions to water flows, excluding any necessary road and/or public service crossings. (Ord. 389, 6-14-2000; amd. Ord. 699, 6-18-2008)
The Farmer’s Lateral, which crosses these parcels is a collector of surface flood irrigation for the surrounding parcels to the south. The Farmers Lateral is mostly in an open state throughout these parcels. This lateral also collects water from the Knudson Lateral that travels downhill in a fall like open manner along Mitchell Street south of this project.

There have been lawsuits and grievances from homeowners regarding the excess flood irrigation water that is designed to be collected into the Farmers Lateral, and in the recent past has flooded structures when collector routes have been altered.

Will this development address these concerns? A Natural Features Analysis of these properties would be prudent.

The south west Victory-Mitchell area is designated as “Large Lot” in Blueprint Boise, and the Music Application detracts from the goals of the community. This existing semi-rural residential neighborhood is the largest (nearly a full mile square) of the few Large Lot designated areas that the Blueprint Boise has noted as worthwhile to retain and preserve.

The existing neighborhoods in the area of this project are established and stable, and a well-matched infill of Large Lots with thought to the existing natural features, would be appropriate. As noted in Boise City Comprehensive Plan (BCCP) Appendix B page C-2: areas defined as “stable” include these qualities: “Stable or increasing property values, underlying zoning consistent with built pattern.”

This is one of the last surviving areas where low density, livestock breeding, and small scale farms exist, with structures that hug the earth, are characteristic of the feel and magnetism of this unique existing area.

Thank you for your consideration.

Contact: Julianne Shaw
Planner II, Canyon County
9950 West Roan Meadows Drive
Boise, ID 83709
208-407-0369
jshaw@canyonco.org
From: kmforhm@yahoo.com <kmforhm@yahoo.com>
Sent: Monday, March 23, 2020 4:03 PM
To: Dawn Battles <Dbattles@achdidaho.org>
Subject: traffic concerns with planned Music Estates Subdivision

[THIS EMAIL ORIGINATED EXTERNALLY. PLEASE USE CAUTION WHEN OPENING ATTACHMENTS OR LINKS INSIDE THIS EMAIL.]

To: Dawn Battles,
I currently reside on W. Roan Meadows Dr. and have some concerns about the planned subdivision called Music Estates Subdivision on the corner of Victory and Mitchel. I do not opposed a subdivision going in at that location in general, but just the high density housing that is currently being proposed. 67 homes for those few acres is much higher density than all the surrounding area, and it will increase the amount of vehicle traffic directly on Mitchel, along with my street Roan Meadows which provides an alternate means to get to 5 Mile rd. We have already seen higher traffic on our road from lower density subdivisions and this will make matters much worse due to the very high density of this proposed subdivision. This proposed subdivision is not within walking distance of any shopping, and are to close to local elementary schools for bus transportation but is at the far limit so most children will need to be transported to school by personal vehicles. The amount of vehicle traffic will include work, shopping, and school transportation. People walk along Roan Meadows for exercise and walking their dogs, etc. and having higher traffic flows on this road would increase the danger. Lowering the amount of vehicles in this subdivision by reducing the housing density would help in keeping the surrounding streets like W. Roan Meadows Dr. safe and keep them from being overused.

Please respond indicating this email was received, thank you in advance for taking this into consideration.

Karl & Dyla Miller
10403 W. Roan Meadows Dr.
Kevin:

RE: CAR20-00005, PUD20-00013 & SUB20-00009
There is an existing Great Blue Heron (GBH) Rookery at 9933 West Victory Road, that should be preserved and respected. As you may be aware not all GBH Rookeries are along the Boise River.

The City of Boise Title 11, Development Code notes GBH Rookeries as:
“(2) Class A Lands and Waters – Extremely Important for Preservation
Class A lands and waters provide extremely important habitats for fish and wildlife and for flood control and protection. The objective is to preserve and protect these lands for their benefits to fish and wildlife in general and to protect Bald Eagle, Great Blue Heron, trout, and water fowl habitats in particular. These areas include, but are not limited to:
(a) Floodways;
(b) Areas with a high degree of plant community diversity;
(c) Black cottonwood riparian plant community;
(d) Riparian forests
(e) Scrub-shrub wetlands;
(f) Emergent wetlands within the floodplain (exclusive of working irrigation canals);
(g) A 300 foot radius around Great Blue Heron rookeries;“

The Boise City Development Code does not address locations where GBH Rookeries exist outside of the Boise River area.

Would it be possible to have the City designate this rookery?
We have contacted Idaho Fish and Game for designation as noted in Boise City Code:

The City of Boise Title 11, Development
(3) Great Blue Heron Rookeries Setback
300 feet around Great Blue Heron rookeries. Rookeries shall be designated by the city and the Idaho Fish and Game Department.

Thank you,

Julianne Shaw, Planner II
Canyon County Development Services
(208) 454-7340
jshaw@canyonco.org