



PLANNING AND DEVELOPMENT SERVICES

MAYOR: Lauren McLean | DIRECTOR: Shawn Wilson

October 9, 2024

Ethan Mansfield
Hawkins Companies
855 W Broad St Ste 300
Boise, ID 83702
emansfield@hcollc.com

Re: CAR24-00001, CPA24-00001, & Appeal CUP24-00012 / 1770 S Maple Grove Rd / Revised Findings

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Council on your request for a comprehensive plan amendment to change the land use designation from Suburban to Compact and a rezone of approximately 6.12 acres from A-1/AI-O (Open Land Very Low Density with an Airport Influence Area Overlay) to R-2/AI-O (Residential: Compact with an Airport Influence Area Overlay) zone, and an appeal of the Planning and Zoning Commission's denial of a conditional use permit to exceed the density limit of the B-1 Airport Influence Area for a multiple family development comprised of 174 units. This project is in Council District 3.

The Boise City Council, at their meeting of **October 8, 2024, approved** the revised findings approving the project. Attached is the Reason for the Decision and Conditions of Approval reflecting the decision.

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.

It will be necessary for the Boise City Council to present three readings of the proposed ordinance before the completion of the rezone. A resolution will also need to be recorded and approved to execute the comp plan amendment.

Questions can be directed to the assigned planner, Jesi Lile, at (208) 608-7857 or JLile@cityofboise.org.

Sincerely,

Jessica Szlag
Deputy Planning Director
Boise City Planning and Development Services
JS/nn

cc: Todd Gillespie / 8717 W Vincent St / Boise, ID 83709
James T May / 6505 Rockland Ct / Clifton, VA 20124
Estee Lafrenz / South Cole Neighborhood Association / esteelafrenz@gmail.com

The City of Boise Planning and Development Services Department acknowledges the ancestral, cultural, traditional, and unceded territory of the Shoshone, Bannock, and Northern Paiute people on which our land use and development decisions are made.

REASON FOR THE DECISION

Comprehensive Plan Amendment

The proposed comprehensive plan amendment to change the land use designation from "Suburban" to "Compact" is consistent with the approval criteria of Boise City Code (BCC) *Section 11-05-05-4C* (Comprehensive Plan Amendment). Increased density along an arterial roadway and near a community activity center in order to reduce vehicle miles traveled is supported by the Comprehensive Plan (*Policies ES1.4, NAC2.2, and CC1.1*). Though the subject property lies within the B-1 Airport Influence Area (AIA), which limits density to 5 units per acre, the applicant has demonstrated that the subject property can support the proposed density allowed within the "Compact" land use designation. The land use change from "Suburban" to "Compact" is supported by the substantial population growth within the city and the need for housing to accommodate residents. Additionally, the proposed project will not have a negative impact on the future economic growth and expansion of the airport as the record demonstrates no direct impacts to the airport's operations or anticipated future airport needs that would conflict with development on this site. As conditioned, the proposal will promote a safe and efficient transportation network that minimizes conflicts and promotes active modes of transportation.

Zoning Map Amendment

The proposed rezone from A-1 (Open Land Very Low Density – 1 unit per acre) to R-2 (Residential: Compact – no per acre density requirements) is consistent with the approval criteria of Boise City Code (BCC) *Section 11-05-05-4.1* (Zoning Map Amendment). The R-2 zone reflects changing conditions in the surrounding area and the need for additional housing along an arterial roadway and near a community activity center, thereby serving the best interest of the public convenience and general welfare. As conditioned, the proposal is compatible with the surrounding development. *Principles GDP-N.3, GDP-N.5, and GDP-N.6* of the Comprehensive Plan encourage a mixture of housing types with pedestrian-oriented streetscape within activity centers. While the proposal is located within the B-1 Airport Influence Area (AIA), which limits density to 5 units per acre, unless approved through a conditional use permit, the proposed rezone to R-2 will not negatively impact the ability of the airport to expand in the future as conditioned and as noted above regarding the Comprehensive Plan Amendment.

Conditional Use Permit

The Planning & Zoning Commission's decision was in error as there was a lack of evidence submitted that the proposal would have negative impacts on the economic viability and future growth of airport operations. Additionally, there is conflicting information with maps, noise data, overlay zones, and Comprehensive Plan goals, leading to an arbitrary decision. While the Airport Influence Area (AIA) outlines where and what type of residential uses are to be permitted in specific areas, previous decisions have disregarded the adopted AIA policy and utilized the Noise Exposure Model (NEM) instead. Additionally, the Comprehensive Plan and Modern Zoning Code support the



types of density proposed near arterial roadways, along transit corridors, and within activity centers. The Council also found the need to update the AIA to reflect the existing policies and needs of Boise City to reflect the need for additional housing.

The proposed conditional use permit to exceed the density limit of the B-1 Airport Influence Area is consistent with the approval criteria of Boise City Code (BCC) *Section 11-05-05-3C* (Conditional Use Permit). The proposed conditional use permit to exceed the density in the B-1 Airport Influence Area (AIA) is appropriate in the proposed location as the subject property is located along an arterial roadway, within an activity center, and along a transit route as supported by *Comprehensive Plan Policies ES1.4, NAC2.2, and CC1.1*, as well as *Principle GDP-N.5*. The B-1 AIA limits density to five units per acre in order to protect future airport expansion and operations. As conditioned, the proposed increase in density will not have negative impacts to future airport operations or future residents of the site. The applicant must also redesign the proposed project to mitigate impacts to surrounding residents with a greater transition from the commercial uses to the north to the single family uses to the south and will be subject to further review to ensure all necessary mitigation is met. The site is large enough to support the proposal with all parking, landscaping, and open space, and further redesign will ensure additional pedestrian connections are provided. As conditioned, the applicant will realign the proposed roadway to meet all Ada County Highway District (ACHD) standards and ensure greater vehicle, bicycle, and pedestrian connectivity throughout the site.

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 **April 16, 2024**, except as expressly modified by the following conditions:
2. All site design changes must be provided prior to the submittal of a subdivision or design review application.
3. The applicant shall provide a transition from the commercial design to north of the subject property to the single-family homes to the south of the property.
4. All buildings along Maple Grove shall have a primary entrance that is clearly visible and directly accessible from the public sidewalk.
5. The applicant shall reduce impermeable surface parking and provide greater open space options for residents.
6. The roadway must be reoriented to reduce conflict points while providing safe vehicle, bike, and pedestrian connectivity to the existing roadway network. The applicant shall work with the planning team and ACHD to identify the best roadway configuration.



7. All public roadways shall have detached sidewalks with minimum 10-ft wide planter strips.
8. The applicant shall provide a micromobility station along Maple Grove behind the public sidewalk, within a public use easement.
9. The applicant shall widen the primary east-west pedestrian connection through the site to be 10-ft wide included in a defined pedestrian plan.
10. The applicant shall provide a public pathway easement on property pathways.
11. The landscaping plan must be revised to include the following:
 - Increase the perimeter landscape buffers to be a minimum of 10-ft wide and include a minimum of one Class III tree every 60-ft.
 - Required trees should only be a Class I species where there are conflicts with overhead utilities.
 - No Callery pear trees are allowed.
 - Provide all required landscape planter islands within parking areas. All required landscape islands shall contain Class II or III trees. Landscape islands containing pathways or other objects must be widened to accommodate the required trees. Landscape islands serving two rows of parking must contain two trees.
12. The applicant must provide the following to limit impacts from airport operations:
 - The applicant must submit a sound mitigation plan for approval by the Airport that insulates all indoor areas to the Airport Influence Area B-1 standards.
 - A recorded avigation easement on the property is required prior to the issuance of building permits.
 - Prior to any future tenants signing a lease, the applicant shall disclose information regarding the potential noise impacts associated with airport operations and overhead flights.

Agency Requirements

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 & Pressure Irrigation (**May 20, 2024**);
 - b. Pretreatment;
 - c. Solid Waste (**May 23, 2024**);
 - d. Street Lights (**May 20, 2024**);
 - e. Hillside; and
 - f. Drainage.



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 the requirements of the following agencies as identified in their submitted memos:
 - a. Ada County Highway District (**June 13, 2024**);
 - b. Boise City Building Department (**May 20, 2024**);
 - c. Central District Health Department;
 - d. Boise City Fire Department (**May 31, 2024**);
 - e. School District;
 - f. Valley Regional Transit;
 - g. Boise Project Board of Control (**May 21, 2024**);
 - h. Veolia; and
 - i. Century Link.
15. The applicant shall comply with all requirements of the Boise City Parks and Recreation Department memo dated **May 21, 2024**.
16. 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.

Standard Conditions of Approval

17. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.
18. Fences, Walls, and Screening shall conform with the standards outlined in BCC 11-04-09.10.
19. All improvements must comply with the zoning code in regard to accessibility requirements.
20. All vehicular access points shall be consolidated to the maximum extent possible as required by Section 11-04-07.4.
21. A Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Development Code. Contact the Planning Division at (208) 608-7100 regarding questions pertaining to this condition.
22. A City of Boise Erosion and Sediment Control (ESC) permit must be obtained prior to site development and construction activities disturbing 2500 square feet or more of the parcel(s). The ESC permit is obtained from the PDS Building Division. If the project requires a Grading (GRD) permit, the GRD application includes the ESC submittal information. If no GRD permit is required, a "stand-alone" ESC permit shall be



applied for by completing the ESC Application form #701 and submitting to permits@cityofboise.org. For questions and more information, please contact the ESC division. Documentation verifying that the ESC permit has been obtained and is in compliance must be provided prior to City Engineer's Certification of the Final Plat.

23. To obtain a City of Boise ESC permit, the applicant must meet site specific submittal requirements. If an ESC plan is required, an ESC site map drawing and a separate ESC plan document must be submitted for review and approval. For projects requiring a GRD permit, the ESC plan drawing and document will be submitted with the GRD application submittal requirements. Please review submittal checklists for details or contact the ESC division for further information. Projects that are required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for Idaho Construction General permit may submit the SWPPP for review.
24. Prior to issuance of an ESC permit, an individual with a valid ESC Responsible Person (RP) certification license must be designated on the permit. The RP may be designated at time of application/ESC plan submittal, or once a contractor has been determined. The RP must be onsite regularly and have operational control at the site. Any updates or changes should be submitted to permits@cityofboise.org or the ESC division.
25. All landscaping areas on the site and within the right-of-way adjacent to the site 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 an approved mulch, such as bark or soil aid.
26. Prior to the installation of lawn or other plant materials in areas that have been disturbed or compacted by construction activity, soils shall be amended in accordance with *Section 11-04-09.3.E(1)* to increase soil water holding capacity.
27. No trees within the property, as shown on the plan and approved by the Planning Director or prevailing Decision Body, shall be removed without the approval of the Planning Director or prevailing Decision Body, and in compliance with Boise City Code.
28. All required landscape trees shall be pruned in accordance with the American National Standards Institute's [*Standard Practices for Tree Care Operations*](#) (ANSI A300 - latest edition). No trees on the site shall be topped, headed back, rounded over or otherwise disfigured. Contact Boise City Community Forestry at (208)608-7700 for information regarding tree care operations.
29. In compliance with Boise City Code *Section 07-02-09*, anyone planting, pruning, removing, or trenching/excavating near any tree(s) in public areas or 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*](#).



30. Minimum plant sizes at time of planting are as follows; 1 ½ to 2 ½ inch caliper for deciduous, shade, and ornamental trees, six feet for evergreen trees, three gallons for shrubs, and one gallon for perennials, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.
31. Existing healthy trees shall be saved where not in conflict with building locations or required driveways, as determined by the Boise City Forester and approved by the Planning staff. Existing grading shall be altered as little as possible, with a minimum compaction of topsoil within the tree dripline area. Soil sterilants shall not be applied near the dripline of these trees. Pervious paving shall be provided within the dripline area, unless otherwise approved by the Boise City Forester and the Planning staff, to allow surface air and water penetration to the feeder root zone of trees near paved areas.
32. In the event a tree with four-inch caliper or greater is removed without prior approval, the tree shall be replaced with a tree with trunk caliper one-and-one-half inch caliper or greater than the one removed or with a sufficient number of trees, as approved by the Planning Director or prevailing Decision Body. Caliper shall be as measured by the American Nurseryman's Association standards. For example, if a 12-inch caliper tree is removed, it must be replaced with either one 18-inch caliper tree, three six-inch caliper trees, or five four-inch caliper trees. The replacement requirement may be modified upon a showing made to the Planning Director or prevailing Decision Body of disease or death of the tree which was not caused by neglect. Required replacement trees shall be located either on-site or off-site based on the recommendation of the City Forester.
33. An approved protective curbing shall enclose all landscape areas where they are adjacent to parking areas or driveways.
34. All sidewalks and pathways shall be five-feet minimum and are to remain unobstructed.
35. All required parking areas and driveways shall be paved from the public right-of-way 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.
36. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.
37. 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, including lot frontage on a public or approved private street, dimension and design standards, and all requirements for preliminary and final platting.



38. All signs will require additional approval from the Planning and Development Services Department prior to installation.
39. 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.
40. Rain gutters shall be provided on eaves projecting over pedestrian entries and walkways to protect the occupants from undesirable storm runoff. Through-wall mechanical units shall be architecturally integrated into the building design, as approved by the Planning staff. Roof vents shall be screened or painted to match the roof color.
41. Any exterior residential light or streetlight fixtures shall be of a design that complies with *Section 11-04-11* of Boise City code and will focus light downwards in order to prevent light to trespass outside the project.
42. Any outside lighting shall be reflected away from adjacent property and streets. All lighting shall be designed so that the lighting level at each property line that does not front on a public or private street shall not exceed one (1) footcandle. All lighting fixtures, except motion detector-activated lighting, shall be fully shielded so that the lighting element is not visible to an observer at any property line.
43. Lighting fixtures and poles shall not be located in planter islands or landscape buffers or in any location that will in the future interfere with the natural growth of required trees.
44. Exterior light fixture details shall be submitted to Planning staff for approval prior to issuance of a Building Permit. Impacts on residential areas shall not be permitted.
45. Vision Triangles, as defined under *Section 11-06-03* of the *Boise City Code*, shall remain clear of sight obstructions.
46. 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.
47. Except for Industrial Uses, as listed in *Table 11-03.1: Table of Allowed Uses*, swales shall not be located in required landscape buffers along streets and shall meet the design requirements of *Section 11-04-09.9.B.1*.
48. Utility services shall be installed underground.
49. Boise City Fire Department requires water mains, fire hydrants, and temporary Fire Department access to be installed, inspected, and approved by the Fire Department prior to commencement of combustible construction. Note:



Temporary water and temporary access during construction may be permitted upon request to, and approval by, the Fire Department.

50. No obstructions (landscaping, signs, fences, or other elements) shall encroach upon any required fire access or fire facility.
51. All amenities, landscaping, fencing, sidewalks, streetlights, sewer, 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.
52. All required improvements shall be completed and all conditions met before the issuance of the first Certificate of Occupancy to the maximum extent practicable, unless phasing or another time for completion is stated as a written condition of approval. If no condition of approval allows additional time for the completion of improvements, the Planning Director may allow an extension of time of up to one year following the issuance of the first Certificate of Occupancy. Once the year extension is completed, no further Certificates of Occupancy shall be granted until all conditions and improvements have been completed.
53. 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.
54. 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.
55. Failure to abide by any condition of this conditional use permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
56. 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, unless otherwise indicated in *Section 11-05-05, Specific Procedures* or in *Table 11-05.2*. 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, building foundations, or other utilities;

OR



Initiate the allowed use or activity, modify the property, or take other actions to use the authority granted in that permit or development approval;

OR

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.

57. Prior to the expiration of this approval, the Planning Director may, upon written request by the holder, grant a one-year time extension. A maximum of two (2) extensions may be granted.

The Planning Director may direct that the PZC hold a public hearing to determine whether the permit or approval shall be extended if the Planning Director determines that:

- a. There have been significant amendments to the Comprehensive Plan or Code that will affect the permit or approval;
 - b. There have been significant land use changes in the area surrounding the property that would adversely impact the project or be adversely impacted by the project; or
 - c. There are hazardous situations that have developed or have been discovered in the area.
58. All loading activities and site maintenance (with the exception of snow removal) are limited to Mondays through Fridays between the hours of 7:00 a.m. and 10:00 p.m. and Saturdays and Sundays between the hours of 8:00 a.m. and 8:00 p.m.
59. 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, unless otherwise approved by the Planning Director for temporary construction activity. 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.

