

SUBMITTED TO ATTORNEY @ HEARING OF 9/9

Case No. IPC-E-04-4
Exhibit 135

Applicable Sections of the Eagle City Code

8-2A-1: GENERAL APPLICABILITY:

This article applies to all proposed development located within the design review overlay district which shall include the entire city limits, and any land annexed into the city after the date of adoption hereof. Such development includes, but is not limited to, new commercial, industrial, institutional, office, multi-family residential projects, signs, common areas, subdivision signage, proposed conversions, proposed changes in land use and/or building use, exterior remodeling or repainting with a color different than what is existing, exterior restoration, and enlargement or expansion of existing buildings, signs or sites, and requires the submittal of a design review application pursuant to this article and fee as prescribed from time to time by the city council.

The following are specifically excluded from the requirements of the design review overlay district: development of an individual single-family detached dwelling on a single parcel, an individual duplex (2 dwelling units), and an individual town home consisting of a maximum of two (2) dwelling units. (Ord. 462, 11-11-2003)

CHAPTER 2

ZONING DISTRICTS AND MAP

ARTICLE A. DESIGN REVIEW OVERLAY DISTRICT

SECTION:

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8-2A-1: **GENERAL APPLICABILITY:** This article applies to all proposed development located within the design review overlay district which shall include the entire city limits, and any land annexed into the city after the date of adoption hereof. Such development includes, but is not limited to, new commercial, industrial, institutional, office, multi-family residential projects, signs, common areas, subdivision signage, proposed conversions, proposed changes in land use and/or building use, exterior remodeling or repainting with a color different than what is existing, exterior restoration, and enlargement or expansion of

existing buildings, signs or sites, and requires the submittal of a design review application pursuant to this article and fee as prescribed from time to time by the city council.

The following are specifically excluded from the requirements of the design review overlay district: development of an individual single-family detached dwelling on a single parcel, an individual duplex (2 dwelling units), and an individual town home consisting of a maximum of two (2) dwelling units. (Ord. 462, 11-11-2003)

8-2A-2: PURPOSE AND GOALS:

- A. Purpose: The purpose of this article is to:
1. Recognize the interdependence of land values and aesthetics and to provide a method by which the city may implement this interdependence to the benefit of the community.
 2. Encourage the development of private property in harmony with the desired character of the city and in conformance with the guidelines herein provided with due regard to the public and private interests involved.
 3. Provide planning and design guidelines to give specific direction for downtown development, while allowing for flexibility that promotes creative, market driven development proposals.
- B. Goals: The general theme of the design review overlay district is to specify desirable building and landscape architectural styles and materials to create a sustainable and pleasing environment for residents and visitors alike. The architectural designs, materials, and graphics set forth in this article are compiled to create a theme unique to the area called "Eagle architecture". (Ord. 462, 11-11-2003)

8-2A-3: EFFECT OF OTHER PROVISIONS: If any provision of this article is found to be in conflict with any other provision of any zoning, building, fire safety or health ordinance or other provision of this code, the provision which establishes the higher and/or more restrictive design standard shall prevail. However, in order to foster rehabilitation of older districts and comply with unforeseen future needs of the overlay districts, the city council may, at their discretion, suspend or relax some or all requirements found in this code, if the city council determines a

8-2A-6: DESIGN REQUIREMENTS, OBJECTIVES AND CONSIDERATIONS:

A. General Objectives And Considerations: The following apply to the entire design review overlay district including the DDA, TDA, CEDA, and DSDA. Additional requirements for the DDA, TDA, CEDA, and DSDA are set forth in subsections C through G of this section and, to the extent there is a conflict with this section, the requirements for the DDA, TDA, CEDA, and DSDA shall control. The following, including the provisions set forth in the Eagle architecture and site design book, contains a listing of objectives applied to each application, and a listing of matters which shall be considered by the design review board. The objectives are separated into two (2) sections: site design and building design. Specific aspects of design should be examined to determine whether the proposed development will provide a desirable environment for its occupants as well as for its neighbors, and whether, aesthetically, the composition, materials, textures and colors meet the intent of this article. The design review board shall consider the following criteria in reviewing the application:

1. Site Design Objectives: The site plan design shall minimize impact of traffic on adjacent streets, provide for the pedestrian, and provide appropriate, safe parking lot design.
 - a. The functional relationship of the structures and the site in relation to its surroundings;
 - b. The impact and effect of the site development plan on traffic conditions on contiguous streets and adjoining properties or neighborhoods;
 - c. The site layout with respect to separation or integration of vehicular, pedestrian and bicycle traffic patterns;
 - d. The arrangement and adequacy of off street parking facilities relative to access points, building location and total site development to prevent traffic conflict or congestion;
 - e. The location, arrangement and dimensions of truck loading ramps, docks, and bays and vehicle service facilities;
 - f. The access, parking lot, and interior roadway illumination plans and hours of operation;
 - g. The required driver, pedestrian and bicycle sight distance requirements of the project and their relationship to adjacent streets, driveways and properties;
 - h. The coordination of the site development with planned right of way alignments, acquisitions and street improvements;
 - i. The graphic delineation of traffic circulation patterns to avoid confusion, congestion and conflicts;
 - j. The continued maintenance of traffic, parking and lighting systems;
 - k. The protection of views and vistas in relation to urban design and aesthetic considerations; and
 - l. The provision of safe pedestrian and bicycle connections between neighborhoods and

commercial areas.

2. Site Landscaping: The site landscaping shall minimize impact on adjacent properties through the proper use of screening with sound and sight buffers, and unsightly areas shall be concealed or screened and the design review board shall consider:

a. The location, height, and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development;

b. The location and type of new plantings, with due regard to preservation of specimen and landmark trees, and to maintenance of all plantings;

c. The providing of screen plantings or other screening methods reasonably required to conceal outdoor storage areas, trash receptacles, service areas, truck loading areas, utility buildings and other unsightly developments;

d. The installation of sound and sight buffers, the preservation of public views, light and air, and the consideration of those landscape aspects of design which may have substantial effects on neighborhood development, land uses, and amenities;

e. The design and use of open spaces and parks; and

f. The permanent maintenance of all landscaped areas and fencing.

3. Site Grading And Drainage: The on site grading and drainage shall be designed so as to maximize land use benefits and to minimize off site impact and provide for slope and soil stabilization to prevent erosion and the design review board shall consider:

a. The existing and proposed grading relative to soil removal, fill work, retainage, soil stabilization, erosion control on the site and the adjacent terrain and streets, and adoption of the development to the existing site contours;

b. The planting of ground covers or shrubbery to prevent dust, to stabilize soils and embankments and to control erosion;

c. Existing and proposed storm drainageways, canals, floodway and floodplains relative to flow or alignment alterations, containment and endangerment of health; and

d. The maintenance of floodway, floodplains, drainageways, channels, culverts, head gates, canals, and soils.

4. Signage: Signing for any project shall provide for business identification and minimize clutter and confusion on and off the site, and shall be in compliance with section 8-2A-8 of this article and the current edition of the uniform sign code adopted by the city. The design review board shall consider:

a. The "overall sign concept" for multitenant business centers to assure that it addresses the continuity between tenant sign design and building design;

b. The reduction of hazards to motorists, bicyclists and pedestrians as may be caused by

or partially attributable to the distraction and obstruction of improperly located and designed signs;

c. The provision for effective and necessary business identification systems adapted to the building design;

d. The continued maintenance of signs throughout their life; and

e. The size, location, design, color, texture, lighting, landscaping, and hours of operations of all permanent signs and outdoor advertising structures or features to ensure that any such proposals do not detract from the function of, or design of, buildings, structures, surrounding properties, neighborhoods, or streets.

5. Utilities: Utility service systems shall not detract from building or site design. Cable, electrical, and telephone service systems shall be installed underground, and the design review board shall consider:

a. Size and location of all service systems for appropriate appearance and maintenance accessibility;

b. The location and design of transformers, pad mount and roof mounted mechanicals and electrical equipment shall be reviewed and approved by the design review board. All roof mounted mechanicals shall be completely screened from view through the use of a parapet wall when utilizing a flat roof design or shall be enclosed within the building when utilizing a roof design other than a flat roof. "Screened from view" shall mean "not visible" at the same level or elevation of the parapet wall (e.g., the perspective generally as shown on an elevation plan);

c. The location and sizes of all utility lines, manholes, poles, underground cables, gas lines, wells, and similar installations; and

d. The continued maintenance of these service systems.

6. Building Design:

a. Building Mass: The mass of the building shall be reviewed for its relationship with existing development in the immediate surrounding area and with the allowed use proposed by the applicant;

b. Proportion Of Building: The height to width relationship of new structures shall be compatible and consistent with the architectural character of the area and proposed use;

c. Relationship Of Openings In The Buildings: Openings in the building shall provide interest through the use of such features as balconies, bays, porches, covered entries, overhead structures, awnings, changes in building facade and roofline alignment, to provide shadow relief. Avoid monotonous flat planes;

d. Relationship Of Exterior Materials: The design review board shall determine the appropriateness of materials as they relate to building mass, shadow relief, and area development. Use of color to provide blending of materials with the surround

area and building use, and the functional appropriateness of the proposed building design as it relates to the proposed use shall be considered; and

e. Allowed Architectural Styles: The architecture styles provided in the EASD book are approved examples for applicants to follow when designing for Eagle architecture.

B. Architectural Requirements, Building Materials, Fence And Deck/Patio Materials, Colors, And Architectural Appurtenance Height Limitation: Unless specified as prohibited herein, materials listed in this section are allowed. If a material proposed for construction is not listed in this section it shall be upon the discretion of the zoning administrator, the design review board, and the city council, whichever the case may be, to determine the appropriateness of such material.

1. Exterior walls and soffits:

a. Wood: cedar (clear) and redwood (clear) - architectural/premium grade. Log siding, wood shingle are permitted for accent only, twenty five percent (25%) maximum wall coverage (per each facade);

Synthetic board and bat sidings are permitted as accents only. Plywood is prohibited.

b. Fiber cement;

c. Masonite: horizontal lap only, maximum six inch (6") reveal;

d. Vinyl: 0.46 millimeter minimum thickness, integral color;

e. Textured tilt up concrete with accent reveals;

f. Textured pour in place concrete with accent reveals;

g. Masonry: brick, natural rock/stone, synthetic stone, decorative block. Smooth face block for accent only, ten percent (10%) maximum wall coverage (per each facade);

h. Stucco: twenty five percent (25%) planer change required, additional accents shall be incorporated through the use of other material(s);

i. EIFS: permitted for accent only, ten percent (10%) maximum wall coverage (per each facade). Additional accents required through the use of other materials;

j. Additional encouraged material: exposed beams, fabric awnings, cornices/dentils, shutters, dormers, cupolas, columns;

k. Metal: metal siding shall be anodized, shall have a concealed fastener system, shall have a silicon polyester finish or equivalent, and shall include special design treatments to enhance its appearance. These treatments may include brick or masonry wainscot treatments along exterior walls and accent colored metals.

Metal siding is prohibited on the portion of any building facing a road. This includes sections within the front facade that may be perpendicular to the road but within the face

of the building oriented towards the road.

A waiver of this subsection B1k on metal siding may be allowed where the applicant shows that the metal is architecturally compatible with surrounding buildings; is architecturally compatible with other nonmetal buildings in the city; and is attractively landscaped, designed, and situated, to eliminate the stark utilitarian look intended to be prevented by this subsection.

In addition to the metal siding prohibition listed in this subsection B1k, metal siding shall be prohibited in the DDA, TDA, CEDA design review overlay district areas.

2. Roofs:

- a. Wood shakes/shingles: premium on number 1 grade;
- b. Architectural grade textured composition shingles;
- c. Tile: cementitious, clay;
- d. Slate;
- e. Metal; standing seam, batten seam (concealed fasteners required);

Metal, standing seam/batten seam is prohibited on mansard roof sections facing a road.

- f. Flat roof specification: single ply, built up (both nonreflective).

3. Fences:

- a. Vinyl: integral color required;
- b. Block (with columns);
- c. Brick (with columns);
- d. Wrought iron;
- e. Cedar, fir and similar high maintenance and/or unsightly fencing shall not be permitted.

4. Decks and patios:

- a. Concrete (stamped finish and smooth finish);
- b. Brick pavers;
- c. Wood-polymer composite lumber;
- d. Wood (pressure treated, redwood).

5. Colors:

- a. Earthen tones are encouraged.
- b. Flat or low gloss finishes are encouraged.
- c. Roof mounted mechanicals, all vents protruding through the roof, and similar features shall be painted so as to match the color of the roof.
- d. Exposed metal flashing or trim will be anodized or painted to blend with the exterior colors of the building.

6. Architectural appurtenance height restrictions:

- a. All spires, poles, antennas, steeples, towers, and any other such structures shall be limited to a maximum of forty feet (40') within the DDA and TDA and thirty five feet (35') in all other locations. Additional height may be permitted if a conditional use permit is approved by the city council.

C. Downtown Development Area: DDA shown on exhibit A-1 within the EASD book.

1. Purpose: To provide a compact downtown business center supported by the comprehensive goals of the city.

2. Architectural Character:

- a. Height: Height of buildings is restricted to a maximum height of forty feet (40'). To the extent the height requirements herein conflict with section 8-2-4 of this chapter, the height requirements herein shall control.
- b. Ground Floor Requirements: The ground floor (street level) of new buildings shall accommodate pedestrian friendly elements. The design should accommodate a variety of potential uses that may not be contemplated at the time of construction. Examples include: specialty retail, grocery, drugstore, shoe repair, dry cleaning, florist shop, department store, hardware store, other personal services, restaurant or theater or financial services or a parking garage. Any use must meet the requirements set forth in section 8-2-3 of this chapter.
- c. Other Floor Options: The design should accommodate the ground floor uses as listed in subsection C2b of this section including residential use. Any use must meet the requirements set forth in section 8-2-3 of this chapter except that apartments on floors other than the ground floor shall be a permitted use. For the purposes of this section a single apartment unit or multiple apartment units may be permitted.
- d. Orientation: Shall be designed so that at least seventy percent (70%) of the building's ground level, street facing facades are constructed to abut and be oriented to a public sidewalk or plaza.
- e. Accessibility: Shall be visually and physically accessible to the pedestrian at the sidewalk or plaza level.

f. Facade: All buildings shall include a "storefront" on the ground floor consisting of a minimum of fifty percent (50%) glass. Floors above the main floor shall have a minimum of twenty five percent (25%) glass. The front of any building is the facade that fronts upon any street.

g. Exterior Surfaces: The exterior vertical surface of a building shall be designed to minimize the environmental impacts such as glare, reflected heat, and wind. High quality nonreflective architectural materials are particularly encouraged.

h. Building Entries: Building entries facing a street shall be recessed a minimum of four feet (4'). Exceptions may be permitted if another building entry design feature can meet the intent of this requirement and is approved by the design review board and city council.

i. Detailing: Architectural detailing shall be an important consideration for design approval. Attention to detail in architectural elements shall include, but is not limited to, walls, pilasters, parapets, cornices, columns, windows, doors, awnings, exterior lighting, ledges, eaves, colors and materials.

j. Horizontal Lines: Parapets shall be used to vary long horizontal lines exceeding fifty feet (50').

k. Other: Such other nonconflicting architectural detailing, materials and colors as set forth in this article, including the examples set forth in the EASD book.

3. Setbacks And Lot Coverage: To the extent the setback and lot coverage requirements set forth below conflict with section 8-2-4 of this chapter, the setback requirements below shall control:

a. Front building setbacks from the property line shall be a minimum of zero feet (0') to a maximum of ten feet (10').

b. Side building setbacks shall be zero feet (0') so as to tie into adjoining structures.

c. Structures shall not have a continuous face(s) longer than ninety feet (90') inclusive of adjoining structures.

d. When a building is located at the intersection of two (2) streets, the distance between the face of the building and the back of curb shall be a minimum of ten feet (10') to preserve adequate sight visibility.

e. Front and street side setbacks shall be for pedestrian amenities and the city encourages joint efforts between adjoining property owners. Suggested amenities include: public art, landscape treatment, seating, flowers/shrubs/all tree displays in movable planters, outdoor dining, plazas, streetscape extension and bike racks.

f. Lot coverage by the footprint of the structure shall be a minimum of forty percent (40%) and a maximum of ninety five percent (95%) in which case off site parking shall be provided for. The lot coverage requirement may be waived if development of the lot as a parking lot is reviewed by the design review board and is approved by the council.

Furthermore, the minimum lot coverage requirement may be reduced by the council for the purpose of providing adequate on site parking in accordance with the provisions of this title for structures that include residential uses on floors other than the ground floor.

4. Parking:

a. Off street parking shall be behind buildings. If the parcel is developed as a parking lot, a landscape buffer shall be provided between the parking lot and any street. Limited parking potential in the DDA may allow for reduced parking ratios where there is access to public or shared parking.

b. Provide on street parking along State Street, 1st Street, 2nd Street, Idaho Street, Park Road and Aikens Road.

c. On street parking along Eagle Road is prohibited.

d. Shared parking shall be encouraged.

5. Landscaping And Streetscape: All landscaping shall comply with the landscape requirements contained in section 8-2A-7 of this article. Other streetscape and design elements shall comply with the requirements contained within subsection G of this section.

6. Planning Considerations: In reviewing an application pursuant to this chapter, the design review board shall give consideration to the following to determine compatibility with this article:

a. Public Restrooms: Locations should be sought which are safe and convenient for public use downtown. Suitable locations include public parking areas and sites adjacent to or within private development.

b. Public Gathering Place: A public gathering place is desired to act as the hub for community events such as the Eagle Fun Days. The public gathering place could be defined as 1st Street between Idaho Street and Aikens Road, and State Street between Eagle Road and 2nd Street. However, the public gathering place may be redefined as development progresses in the "downtown development area" and/or in the "transitional development area" or if a more specifically defined area is adopted as a part of the city comprehensive plan.

c. Vehicular And Pedestrian Use: Extensions of Idaho Street and Aikens Road for vehicular and pedestrian use shall be considered.

D. Transitional Development Area: TDA shown on exhibit A-1 within the EASD book.

1. Purpose: To serve as an area of future expansion to the central business district as market demands grow and to provide an area to accommodate public parking and service to the central business district.

2. Architectural Character:

a. Height: Height of buildings is restricted to a maximum height of forty feet (40'). To the

extent the height requirements herein conflict with section 8-2-4 of this chapter, the height requirements herein shall control;

b. Ground Floor Requirements: The ground floor (street level) of new buildings shall accommodate pedestrian friendly elements. The design should accommodate a variety of potential uses that may not be contemplated at the time of construction. Examples include: specialty retail, grocery, drugstore, shoe repair, dry cleaning, florist shop, department store, hardware store, other personal services, restaurant or theater or financial services or a parking garage. Any use must meet the requirements set forth in section 8-2-3 of this chapter.

c. Other Floor Options: The design should accommodate the ground floor uses as listed in subsection D2b of this section including residential use. Any use must meet the requirements set forth in section 8-2-3 of this chapter except that apartments on floors other than the ground floor shall be a permitted use. For the purposes of this section a single apartment unit or multiple apartment units may be permitted.

d. Orientation: Shall be designed so that at least seventy percent (70%) of the building's ground level, street facing facades are constructed to abut and be oriented to a public sidewalk or plaza.

e. Accessibility: Shall be visually and physically accessible to the pedestrian at the sidewalk or plaza level.

f. Facade: All buildings shall include a "storefront" on the ground floor consisting of a minimum of fifty percent (50%) glass. Floors above the main floor shall have a minimum of twenty five percent (25%) glass.

g. Exterior Surfaces: The exterior vertical surface of a building shall be designed to minimize the environmental impacts such as glare, reflected heat and wind. High quality nonreflective architectural materials are particularly encouraged.

h. Building Entries: Building entries facing a street shall be recessed a minimum of four feet (4'). Exceptions may be permitted if another building entry design feature can meet the intent of this requirement and is approved by the design review board and city council.

i. Detailing: Architectural detailing shall be an important consideration for design approval. Attention to detail in architectural elements shall include, but is not limited to, walls, pilasters, parapets, cornices, columns, windows, doors, awnings, exterior lighting, ledges, eaves, colors and materials.

j. Other: Such other nonconflicting architectural detailing, materials and colors as set forth in this article, including the examples set forth in the EASD book.

3. Setbacks And Lot Coverage: To the extent the setback and lot coverage requirements set forth below conflict with section 8-2-4 of this chapter, the setback requirements below shall control:

a. Front building setbacks from the property line shall be a minimum of ten feet (10') to a

maximum of twenty five feet (25').

b. Side building setbacks may be zero feet (0') so as to tie into adjoining structures or ten feet (10') maximum where ties to adjoining structures are not desirable.

c. Structures shall be visually tied to adjoining structures. Examples of methods to visually tie such structures together include screening walls, facade walls, courtyards and landscaping.

d. Front and street side setbacks shall be for pedestrian amenities and the city encourages joint efforts between adjoining property owners. Suggested amenities include: public art, landscape treatment, seating, flowers/shrubs/tree displays in movable planters, outdoor dining, plazas, streetscape extension and bike racks.

e. The city encourages developing outdoor use and/or strong visual ties on properties along the Eagle drain to preserve its natural resource, visual features and possible recreational value.

f. Lot coverage by the footprint of the structure shall be a minimum of twenty percent (20%) and a maximum of eighty five percent (85%) in which case off site parking shall be provided for. The minimum lot coverage requirement may be reduced by the council for the purpose of providing adequate on site parking in accordance with provisions of this title for structures that include residential uses on floors other than the ground floor.

4. Parking:

a. Continuous front parking areas (off street) along State Street and Eagle Road is not permitted.

b. Limited direct access to parking areas from State Street or Eagle Road is allowed.

c. Shared drive access points to parking shall be used wherever possible.

d. Encourage shared parking.

e. Off street public parking areas may be required. Where these facilities occur adjacent to existing residential development, a continuous six foot (6') high masonry wall with landscape treatment or a separate landscape barrier will be required to mitigate sound and visual impact. Safe pedestrian and bicycle connections between the residential neighborhood and the off street parking area should be provided if feasible.

f. On street parking is allowed.

5. Landscaping And Streetscape: All landscaping shall comply with the landscape requirements contained in section 8-2A-7 of this article. Other streetscape and design elements shall comply with the requirements contained within subsection G of this section.

6. Planning Considerations: In reviewing an application pursuant to this article, the design review board shall give consideration to the following to determine compatibility with this article:

a. Public Restrooms: Locations should be sought which are safe and convenient for public use downtown. Suitable locations include public parking areas and sites adjacent to or within private development.

b. Public Gathering Place: A public gathering place is desired to act as the hub for community events such as the Eagle Fun Days. The public gathering place could be defined as 1st Street between Idaho Street and Aikens Road, and State Street between Eagle Road and 2nd Street. However, the public gathering place may be redefined as development progresses in the downtown development area and/or in the transitional development area or if a more specifically defined area is adopted as a part of the city comprehensive plan.

c. Vehicular And Pedestrian Use: Extension of Idaho Street for vehicular and pedestrian use shall be considered.

E. Community Entry Development Area: CEDA shown on exhibit A-1 within the EASD book.

1. Purpose: To provide a sense of entry into the city and transition development into the central business district in support of the comprehensive plan.

2. Architectural Character:

a. Height: Height of buildings is restricted to a maximum height of thirty five feet (35').

b. Orientation: Shall be designed so that at least seventy percent (70%) of the building's ground level, street facing facades are constructed to abut and be oriented to a public sidewalk or plaza.

c. Accessibility: Shall be visually and physically accessible to the pedestrian at the sidewalk or plaza level.

d. Detailing: Architectural detailing shall be an important consideration for design approval. Attention to detail in architectural elements shall include, but is not limited to, walls, pilasters, parapets, cornices, columns, windows, doors, awnings, exterior lighting, ledges, eaves, colors and materials.

e. Other: Such other nonconflicting architectural detailing, materials and colors as set forth in this article.

3. Setbacks And Lot Coverage: To the extent the setback and lot coverage requirements set forth below conflict with section 8-2-4 of this chapter, the setback requirements below shall control.

a. Front building setbacks from the property line shall be twenty feet (20') minimum.

b. Side building setbacks shall be ten feet (10') minimum.

c. Front and street side setbacks shall be for pedestrian amenities and the city encourages joint efforts between adjoining property owners. Suggested amenities include: public art, landscape treatment, seating, flowers/shrubs/all tree displays in

movable planters, outdoor dining, plazas, streetscape extension and bike racks.

d. Lot coverage by the footprint of the structure shall be a minimum of twenty percent (20%) and a maximum of eighty five percent (85%) in which case off site parking shall be provided for.

4. Parking:

a. Continuous front parking areas (off street) along State Street and Eagle Road not permitted.

b. Limited direct access to parking areas from State Street or Eagle Road is allowed.

c. Shared drive access points to parking shall be used wherever possible.

d. On street parking is prohibited on Eagle Road.

5. Landscaping And Streetscape: All landscaping shall comply with the landscape requirements contained in section 8-2A-7 of this article. Other streetscape and design elements shall comply with the requirements contained within subsection G of this section.

6. Planning Considerations: In reviewing an application pursuant to this article, the design review board shall give consideration to the following to determine compatibility with this article:

a. Entry Statement: Six (6) points of entry have been identified for consideration and are shown on exhibit A-1 within the EASD book. However, the final location of the entry statements may be redefined as development in the city progresses or if a more specifically defined location is adopted as a part of the city comprehensive plan.

The following entry statement concepts for signage are encouraged: a permanent monument sign, simple in design, identifying Eagle. A license agreement may be required by the highway district having jurisdiction if the entry statement is proposed to be placed within a public street right of way. Any construction within a public right of way would require approval of the agency having jurisdiction.

F. Dunyon/State Development Area: DSDA shown on exhibit A-1 within the EASD book.

1. Purpose: To improve the livability, desirability, and character of the DSDA area and to encourage new development by providing unique regulations specific to this district.

2. Setbacks And Site Design:

a. Front And Rear Setbacks: Front and rear building setbacks from the property line shall be fifteen feet (15') minimum.

b. Side Setbacks: Side building setbacks shall be five feet (5') minimum.

c. Pedestrian Amenities: Front and rear setbacks shall be for pedestrian amenities and the city encourages joint efforts between adjoining property owners. Suggested

amenities include: public art, landscape treatment, seating, flowers/shrubs/all tree displays in movable planters, outdoor dining, plazas, streetscape extension and bike racks.

d. Site And Landscape Design: At the discretion of the design review board the following may be considered when the board finds that the site has been designed in harmony with the design guidelines, objectives and considerations noted within subsection A of this section.

- (1) Interior and perimeter parking lot landscape area dimensions may be reduced.
- (2) The minimum required landscaping between the building and the property line may be reduced when the design review board finds that the building's design style and architecture serves as an appropriate buffer to the adjacent property.
- (3) Screen and/or perimeter fencing utilizing chainlink with vision slats may be considered. Perimeter fencing facing the public street is prohibited. Barbwire and/or razor/ribbon wire located on top of the chainlink fence is prohibited.

G. Streetscape: Streetscape improvements are to include street trees, streetlights, pedestrian lighting, bollards, public art, kiosks and furnishings. The scope of streetscape design and number of amenities vary within the different overlay districts of the city. In areas anticipated to have higher concentrations of pedestrian use wider sidewalks and a further varied number of amenities are to be made available to enhance the pedestrian experience and to further encourage the health of the business community. Examples of streetscape design and amenities are shown within the EASD book.

At a minimum, the following specific streetscape criteria shall apply:

1. Street trees shall comply with the requirements contained in section 8-2A-7 of this article. Any tree located within a concrete area shall include tree grates and tree wells as depicted on the tree well and tree grate exhibit within the EASD book. Root barriers shall be required to limit future sidewalk damage from tree roots.
2. The specific style of streetlight poles within the DDA, TDA, CEDA, and in the locations specified in subsection G6 of this section, shall be as depicted on the streetlight exhibit within the EASD book.
3. The specific style of streetlight lamps within the DDA, TDA, CEDA, and in the locations specified in subsection G6 of this section, shall be as depicted on the streetlamp exhibit within the EASD book.
4. Streetlights within the DDA and TDA shall be located a maximum distance of one hundred feet (100') apart except as specified in subsection G6 of this section. Said streetlights are not required to be located in alignment across the street from each other.
5. Streetlights within the CEDA shall be located a maximum distance of one hundred fifty feet (150') apart except as specified in subsection G6 of this section. Said streetlights are not required to be located in alignment across the street from each other.

6. Except as noted in subsections G4 and G5 of this section, streetlights shall be spaced generally as depicted on the streetlight spacing map included within the EASD book (exhibit A-2). The specific spacing requirements are listed below and apply to each side of the street. Streetlights are to be located in alignment across the street from each other except where noted as "staggered". When the streetlights are to be "staggered" a streetlight on one side of the street is to be located generally midway between two (2) streetlights on the other side of the street. Spacing shall still apply to each side of the street.

Street	Spacing (Each Boundaries Side Of Street)
Eagle Road Highway 44 to State Street	75 feet
Eagle Road State Street to Ranch Drive	150 feet
Eagle Road Ranch Drive to Floating Feather Road	300 feet (staggered)
State Street Highway 44 (new connection west of Ballantyne Lane) to Dry Creek	300 feet
State Street Dry Creek to Cobblestone Lane	150 feet
State Street Cobblestone Lane to Palmetto Avenue	75 feet
State Street Palmetto Avenue to Plaza Drive/Hill Road	150 feet
State Street Plaze Drive/Hill Road to Highway 44	300 feet
Plaza Drive/Hill Road Eagle Road to Edgewood Lane	150 feet
Hill Road Edgewood Lane to New Highway 55	300 feet (staggered)
Alternate Route Plaza Drive to Eagle River Connection Development	150 feet

7. Streetlight spacing may be slightly modified depending upon site constraints and the location of existing streetlights.

8. Bollard style pedestrian lighting shall be required along all pathways not illuminated by street and/or site lighting.

9. Bollards as depicted on the bollard exhibit within the EASD book shall be required at all bulb outs.

10. Public art is encouraged and/or areas should be made available for the placement of public art in the future.

11. Furnishings shall be required for all applications incorporating streetscape improvements, pedestrian areas and/or plaza areas. Furnishings may include flagpoles, benches, seating/tables, planters, bike racks, outdoor clocks, drinking fountains, wall lamps, waste receptacles and other similar amenities as may be approved by the design review board. Furnishing examples are depicted within "urban accessories" section of the EASD book.

12. Sidewalks within the DDA shall be a minimum of ten feet (10') wide and shall abut the curb. Sidewalks shall be constructed to match the sidewalk exhibit within the EASD book, consisting of smooth concrete and textured concrete with a "running bond" brick pattern. "Bulb outs" shall be constructed generally as shown on the bulb out exhibit within the EASD book and shall be required at all intersections, except that bulb outs shall not extend into any roadway designated as an arterial or collector as shown on the Ada County long range highway and street map unless otherwise approved by the highway district having jurisdiction. A reduced sidewalk section may be permitted if the design review board finds that the preservation of existing trees warrants a reduction. In no case however shall the sidewalk be reduced to less than six feet (6') in width.

13. Sidewalks within the TDA shall be a minimum of ten feet (10') wide and shall abut the curb or shall be a minimum of eight feet (8') wide with a ten foot (10') wide landscape strip between the sidewalk and curb. If the sidewalk alternative which abuts the curb is utilized it shall be constructed to match the sidewalk exhibit within the EASD book, consisting of smooth and textured concrete with a "running bond" brick pattern. "Bulb outs" shall be constructed generally as shown on the bulb out exhibit within the EASD book and shall be required at all intersections, except that bulb outs shall not extend into any roadway designated as an arterial or collector as shown on the Ada County long range highway and street map unless otherwise approved by the highway district having jurisdiction. A reduced sidewalk section may be permitted if the design review board finds that the preservation of existing trees warrants a reduction. In no case however shall the sidewalk be reduced to less than six feet (6') in width.

14. Sidewalks within the CEDA shall be a minimum of eight feet (8') wide with a ten foot (10') wide landscape strip between the sidewalk and curb. "Bulb outs" shall be constructed generally as shown on the bulb out exhibit within the EASD book and shall be required at all intersections, except that bulb outs shall not extend into any roadway designated as an arterial or collector as shown on the Ada County long range highway and street map unless otherwise approved by the highway district having jurisdiction. A reduced sidewalk section may be permitted if the design review board finds that the preservation of existing trees justifies a reduced sidewalk section. In no case however shall the sidewalk be reduced to less than six feet (6') in width. (Ord. 462, 11-11-2003)

8-2-4: SCHEDULE OF BUILDING HEIGHT AND LOT AREA REGULATIONS:

OFFICIAL HEIGHT AND AREA REGULATIONS

Zoning District	Maximum Height	Minimum Yard Setbacks				Street Side	Maximum Lot Covered	Minimum Lot Area (Acres Or Sq. Ft.) (G) And (H)*	Minimum Lot Width (I)*
		Front	Rear	Interior Side	Note Conditions (A) To (F)*				
A	60'	60'	30'	30'	45'	10%	20 acres	100'	
A-R	35'	60'	30'	30'	45'	10%	4.7 acres	100'	
R-E	35'	50'	30'	20'	35'	10%	1.8 acres	100'	
R-1	35'	30'	30'	15'	30'	35%	37,000	100'	
R-2	35'	30'	30'	10'	20'	40%	17,000	75'	
R-3	35'	30'	25'	7.5'	20'	40%	10,000	75'	
R-4	35'	20'	25'	7.5'	20'	40%	8,000	70'	
R-5	35'	20'	25'	7.5'	20'	40%	7,000	70'	
R-6 to R-25	35'	20'	25'	7.5'	20'	60%	7,000	50'	
L-O	35'	20'	20'	7.5'	20'	60%	2,000	25'	
C-1	35'	15'	0'	0'	10'	50%	2,000	25'	
C-2	35'	0'	0'	0'	0'	92%	1,300	25'	
C-3	35'	0'	0'	0'	0'	92%	1,300	25'	
CBD	35'	0'	0'	0'	0'	92%	500	25'	
M-1	35'	0'	0'	0'	0'	92%	n/a	25'	
BP	35'	20'	0'	0'	20'	50%	n/a	25'	
M-2	35'	0'	0'	0'	0'	92%	n/a	25'	
M-3	35'	0'	0'	0'	0'	92%	n/a	25'	
MU	35'	20'	20'	7.5'	20'	50%	7,000		

*See note conditions on following page.

Note Conditions

(A) Setback reductions (to be measured from the foundation to the property line):

(1) No portion of the structure may extend more than 2 feet into the side yard setback;

(2) Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered part of the building to which it is attached and shall not project more than 15 feet into the required rear yard setback;

(3) Open porches for residential dwelling units shall not project more than 5 feet into the required front yard setback;

(4) A single-family dwelling unit that utilizes a side entry garage shall be permitted to have a 5 foot reduction in the minimum required front yard setback provided that the distance is no less than 20 feet measured from the foundation of the garage to the property line.

(B) Additional 5 feet per story setback for multi-story structures. Height not to exceed 3 stories except by conditional use permit.

(C) All residential buildings in other than agricultural or residential districts must meet residential official height and area regulations.

(D) Front yard setback from arterial and collector streets (as designated on the APA functional street classification map) is 30 feet in all residential zoning districts.

(E) Street side setback on arterial and collector streets (as designated on the APA functional street classification map) is 25 feet in all residential zoning districts.

(F) In order to stimulate the rehabilitation and revitalization of the existing neighborhoods where the currently platted residential lots are less in size than the 7,000 square feet per dwelling unit, applicants desiring to exceed the authorized 40 percent maximum lot coverage may apply for a conditional use permit.

(G) A decrease of minimum lot size in a subdivision may be allowed if there is an offsetting increase of the same square footage in open space and a planned unit development is applied for and approved.

(H) All lots with street side frontage, excluding lots within zoning districts A, A-R, R-E and R-1, shall have a minimum lot area that is 10 percent larger than shown in this table.

(I) Lot width shall be determined as follows: the distance between side lot lines measured at a point midway between the front and rear lot lines. Minimum lot frontage, the portion of a lot front adjacent to a public or private street, for all residential zoning districts shall be 35 feet.

(J) Childcare facilities, churches, nursing/convalescent homes (which includes senior assisted living facilities), schools (public or private), which are proposed within an agricultural district (A), agricultural-residential district (A-R), and/or residential-estates district (R-E) shall be permitted an increase of the maximum lot coverage from 10 percent to 24 percent. (Ord. 298, 10-14-1997; amd. Ord. 361, 12-14-1999; Ord. 368, 3-21-2000; Ord. 384, 3-6-2001; Ord. 404, 11-13-2001; Ord. 405, 1-23-2002)

8-3-3: SUPPLEMENTAL YARD AND HEIGHT REGULATIONS:

In addition to all yard regulations specified in section 8-2-4 of this title, and in other sections of this title, the following provisions shall be adhered to:

- A. **Visibility At Intersections:** On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the height of two and one-half (2 1/2) and ten feet (10') above the center line grades of the intersecting streets in the area bounded by the right of way lines of such corner lots and a line joining points along said street right of way lines twenty five feet (25') from the point of intersection.
- B. **Fences In Front Yards:** In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard between the height of two and one-half (2 1/2) and ten feet (10').
- C. **Yards In Multi-Family Dwellings:** Multi-family dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one front, one rear and two (2) side yards as specified for dwellings in the appropriate district.
- D. **Side And Rear Yards For Nonresidential Uses Abutting Residential Districts:** Nonresidential buildings or uses shall not be located nor conducted closer than forty feet (40') to any lot line of a residential district; except that the minimum yard requirements may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the council is provided. Such screening shall be a masonry or solid fence between four (4) and eight feet (8') in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty feet (20') in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet (4') in height at the time of planting.
- E. **Exceptions To Height Regulations:** The height limitations contained in section 8-2-4 of this title do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.
- F. **Maximum Units Per Lot:** Any buildable lot conforming to this title, with a zoning designation of A, A-R, R-E, R-1, R-2, R-3, R-4 or R-5, shall be permitted a maximum of one single-family dwelling unit per lot. Additional dwelling units shall not be permitted within the above mentioned zoning designations unless specifically permitted elsewhere within this title. Multi-family units/developments are prohibited in the above mentioned zoning designations. (Ord. 298, 10-14-1997)

8-1-2: RULES AND DEFINITIONS:

For the purpose of this title, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
- C. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.
- D. The words "used" or "occupied" include the words "intended", "designed" or "arranged" to be used or occupied.
- E. The word "lot" includes the words "plot", "parcel" and "tract".

The following words and terms when used in this title shall have the meanings ascribed to them in this section:

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. In residential zones accessory uses/structures include, but are not limited to, detached carports and garages, pool houses and cabanas, amateur radio and satellite dish antennas, barns, corrals, stables, and similar uses and structures. In nonresidential zones accessory uses/structures include, but are not limited to, detached carports and garages, caretaker's quarters, guard houses, storage sheds, outdoor storage structures, microwave and satellite dish antennas, and similar uses and structures.

ADMINISTRATOR: An official having knowledge in the principles and practices of zoning who is appointed by the mayor, with the consent of the council, to administer this title.

ADULT BUSINESS: Establishments based primarily on materials or performances that depict, describe, or relate to specified sexual activities. Adult businesses must be a minimum distance of one-half (1/2) mile from any church, school, daycare, and/or any other business or use which is primarily intended for individuals under the age of eighteen (18) years old. The distance shall be measured in a direct line from the front door of the adult business to the front door of said business or use.

AGRICULTURE AND FOREST: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for parking, treating or storing the produce; provided, however, that:

- A. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
- B. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred feet (100') of any residential zoning district. Agriculture does not include the operation or maintenance of a commercial feedlot or

stockyard where large numbers of livestock are fed concentrated feeds particularly for the purpose of fattening for market.

AIRPORT: Any area of land or water which has been set aside, designated, classified and duly established by jurisdictional authorities which may be used for aircraft terminals for people, mail, and freight, airport traffic control and weather stations, aircraft repair, storage and tie down areas, gasoline, jet fuel, oil and other aircraft supplies and parts storage areas, aircraft landing strips, taxiways, clear areas, hangars, offices and such other facilities, buildings or structures necessary therefor.

AMBULANCE SERVICES: Provision of nonemergency medical care transportation, including incidental storage, maintenance and parking of medical transport vehicles.

ANIMAL SHOWS: Exhibitions of domestic or large animals for a maximum of seven (7) days. This classification includes sales of animals and related merchandise.

ANTENNA: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas.

APARTMENT: A room or suite of rooms in a multiple-family structure which is arranged, designed or used as a single housekeeping unit and has complete kitchen facilities permanently installed.

ARTIST STUDIOS: Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

ARTS AND CRAFTS SHOWS (Outdoor): Display and sale of painting, sculpture, hand crafts and similar objects.

AUCTION FACILITY: Facilities operated primarily for the sale of new and/or used merchandise by auctioning.

AUTOMOTIVE BODY SHOP: Automobile collision service, repair and painting.

AUTOMOTIVE FUEL ISLANDS: A retail fuel sales facility typically including a small kiosk building covered by a canopy.

AUTOMOTIVE GAS STATION/SERVICE SHOP: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail and where, in addition, the following services may be rendered and sales made:

- A. Sales and service of spark plugs, batteries and distributors' parts;
- B. Tire servicing and repair, but not recapping or regrooving;
- C. Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;

- D. Radiator cleaning and flushing;
- E. Washing, polishing and sale of washing and polishing materials;
- F. Greasing and lubrication;
- G. Providing and repairing fuel pumps, oil pumps, lines;
- H. Minor servicing and repair of carburetors;
- I. Adjusting and repairing brakes;
- J. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- K. Sales of cold drinks, packaged food, tobacco and similar convenience goods for service station customers, as accessory and incidental to principal operations;
- L. Provisions of road maps and other informational materials to customers and provision of restroom facilities; and
- M. Warranty maintenance and safety inspections.

Uses permissible at an automotive gas station/service shop do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found at an automotive gas station/service shop. An automotive gas station/service shop is not a repair garage nor a body shop.

AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, mobile homes, travel trailers and/or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

AUTOMOTIVE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, excluding collision service, painting and steam cleaning of vehicles.

AUTOMOTIVE STORAGE: Storage of parking tow aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles.

AUTOMOTIVE WASHING FACILITY: Facilities for washing, waxing or steam cleaning of automobiles or similar light vehicles.

AUTOMOTIVE WRECKING YARD OR SALVAGE: The dismantling or wrecking of two (2) or more used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. Any premises, excluding fully enclosed buildings, where more than two (2) motor vehicles not in operating condition are standing more than thirty (30) days, or where used motor vehicles or parts thereof are dismantled or stored.

BANKS/FINANCIAL INSTITUTIONS: Financial institutions that provide retail banking services to individuals and businesses. This classification includes those institutions engaged in the on site circulation of cash money and businesses offering check cashing facilities.

A. With Drive Up Service: Institutions providing services accessible to persons who remain in their automobiles. Drive up service is classified separately because it is not appropriate at all locations.

BAR: An establishment for which a license under title 3, chapter 2, article A, B, and/or C of this code is required and the principal business of which is the sale of alcoholic beverages to be consumed on premises.

BASEMENT: A dwelling unit, all or partly underground, but having at least one-half (1/2) of its height below the average level of the adjoining ground.

BED AND BREAKFAST FACILITY: An owner occupied facility providing overnight accommodations and breakfast food service to no more than twelve (12) guests at any one time. No cooking shall be allowed in guest rooms and only breakfast food shall be provided to guests. Bath facilities shall be shared by no more than two (2) guest rooms and one off street parking space for each guest room and employee shall be provided and maintained by the applicant.

BOARDING HOUSE, LODGING HOUSE, DORMITORY: A building other than a hotel or motel where meals and/or lodging are provided for compensation to three (3) or more unrelated persons, but less than twelve (12) persons, who are not transients, and kitchen facilities are not provided in the individual rooms.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

BUILDING, ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the top of the peak for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING SUPPLY OUTLET: A commercial establishment storing and offering for sale building supplies, coal, heavy equipment, feed, grain, and similar goods, for wholesale or retail sale. This use does not include hardware stores.

CATERING SERVICE: Preparation and delivery of food and beverages for off site consumption without provision for on site pickup or consumption.

CEMETERY: Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums,

mausoleums, and mortuaries operated in conjunction with the cemetery.

CENTRAL SEWER SYSTEM: Any system that receives blackwaste or wastewater in volumes exceeding two thousand five hundred (2,500) gallons per day; any system which receives blackwaste or wastewater from more than two (2) dwelling units or more than two (2) buildings under separate ownership.

CHILDCARE FACILITY: Any facility where children regularly receive care and supervision, usually unaccompanied by the children's parents, guardians or custodians, and regardless of whether the facility does or does not provide any instruction. This use excludes the case of: a) the operator's children or legal wards or children related by blood or marriage, b) occasional personal guests, and c) children aged twelve (12) years and over. Any home, place, or facility providing overnight custodial services for lodging or boarding for the occupants therein shall not be considered a childcare facility.

There are three (3) types of childcare facilities:

A. Family Daycare Home: A childcare facility for six (6) or fewer children. Baby sitting services are an accessory use to residential uses.

B. Group Daycare Facility: A childcare facility for seven (7) to twelve (12) children.

C. Daycare Center: A childcare facility for thirteen (13) or more children.

CHRISTMAS TREE SALES: Retail sales of Christmas trees between Thanksgiving and December 26.

CIRCUSES AND CARNIVALS: Provisions of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities, which may be conducted outdoors, or in a tent or other temporary structure, for a maximum of seven (7) days. This classification excludes events conducted in a permanent entertainment facility.

CLINIC: A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons or those who are in need of medical and surgical attention; but which building does not provide board, room or regular hospital care and services.

CLUB OR LODGE: A building or portion thereof or premises owned or operated by an organized association of persons for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests; but still not including any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally related to the entertainment field such as motion picture theaters, performing arts theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, poolrooms, dance halls, ice/roller skating rinks, health/fitness clubs, recreation clubs, arcades, nightclubs, cocktail lounges and similar entertainment activities.

COMMISSION/HISTORIC PRESERVATION: The historic preservation commission, Eagle, Idaho.

COMMISSION/PLANNING AND ZONING: The zoning, planning and zoning, joint zoning or joint planning and zoning commission with individuals appointed by the mayor and confirmed by the council.

COMMUNICATION FACILITIES: Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding public service facilities and personal wireless service facilities. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

COMPREHENSIVE PLAN: A plan, or any portion thereof, adopted by the council including such things as the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major transportation, parks, schools and other community facilities.

CONDITIONAL USE: A use permitted within a district, other than a principally permitted use, requiring a permit and approval of the council. Uses permitted in each district are listed in the official schedule of district regulations, section 8-2-3 of this title.

CONVENIENCE STORE: Retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation.

COUNCIL: The city council of the city of Eagle.

DAIRY FARM: A farm whose principal function is the production of milk and milk products and which may include the processing of milk so produced. A dairy farm further refers to a dairy barn, processing facility or feeding area where animals are kept, raised or fed in a restricted area, and where the milking area is subject to the approval of the Idaho state department of health and welfare.

DENSITY: A unit of measurement; the number of dwelling units per acre of land.

A. Gross Density: The number of dwelling units per acre of total land to be developed, including public right of way.

B. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right of way.

DESIGN REVIEW ORDINANCE: The design review ordinance of the city, as adopted by the city, or as may hereafter be amended and/or codified ³⁰.

DETENTION FACILITIES: Publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.

DWELLING, MULTI-FAMILY: A dwelling consisting of three (3) or more dwelling units including townhouses and condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing.

DWELLING, SINGLE-FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space. This classification includes manufactured homes and

any home in which eight (8) or fewer supervised unrelated mentally and/or physically handicapped or elderly persons reside.

DWELLING, TWO-FAMILY: A dwelling, consisting of two (2) dwelling units which may be either attached side by side or one above the other.

DWELLING UNIT: Space within a dwelling comprising living, dining, sleeping room or rooms and storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

EMERGENCY HEALTH CARE: Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.

EMERGENCY SERVICES: Provision of emergency medical care transportation, fire protection and police protection, including incidental storage and maintenance and parking of emergency and emergency related vehicles.

FACADE: The front or chief face of a building.

FAMILY: One or more persons occupying a single dwelling unit; provided, that all members are related by blood, adoption or marriage.

FARM: Buildings and premises used for the raising and processing of farm products in an agricultural setting by an individual or an association which operates and manages the farm either as owner or tenant, at a site used for a farm residence and associated farm accessory buildings.

FEEDLOT OR STOCKYARD: Primarily where large numbers of livestock are fed concentrated feeds particularly for the purpose of fattening for market.

FLEX SPACE: Allows for uses that generally require substantial amounts of storage and working area as well as office and/or showroom space. This use is not intended to permit warehousing or manufacturing that has high levels of truck activity. Loading docks shall be at the rear of the structure, shall be screened from view from street and neighboring uses, and loading ramps shall be a maximum of two feet (2') high to discourage tractor trailer use. Examples of uses include, but are not limited to, custom bookbinding, ceramic studios, candle making shops, custom jewelry manufacture, lighting/plumbing fixture showrooms, small merchandise assembly, and low intensity sales and distribution facilities. Gross floor area of each building used as "flex space" shall be a maximum of thirty thousand (30,000) square feet. Buildings may be comprised of several lease spaces. Hours of operation shall be limited to between six o'clock (6:00) A.M. to ten o'clock (10:00) P.M.

FOOD AND BEVERAGE SALES: Retail sales of food and beverages for off site preparation and consumption. Typical uses include groceries, liquor stores, delicatessens, or bakeries, and exclude convenience stores and catering services.

FRONTAGE ROAD: A road which has unlimited access to collector and access streets but has

limited access to arterial streets. Access onto arterial streets is limited to one thousand five hundred feet (1,500') between points.

GOVERNMENT OFFICES: Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

HARDWARE STORES: Sales of home and commercial building supplies. This use does not include building supply outlets.

HEALTH AUTHORITY: The local district health department or state department of health and welfare that has jurisdictional authority.

HEALTH CLUBS, SPAS, WEIGHT REDUCTION SALONS: Establishments with equipment for exercise and physical conditioning.

HEIGHT: The height of personal wireless facilities, spires, poles, antennas, steeples, towers, and similar structures shall be determined by measuring the vertical distance from the point of contact with the ground to the highest point of the structure, including any vertical projection thereof. When mounted upon other structures, the combined height of the personal wireless facility, spire, pole, antenna, steeple, tower, and/or similar structure, including the height of the structure mounted upon, shall be used to determine height.

HELIPORTS: Pads and facilities enabling takeoffs and landings by helicopters.

HISTORIC PRESERVATION: The research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of this community, the state, or the nation.

HISTORIC PROPERTY: Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of this community, the state, or the nation.

HOME AND BUSINESS SERVICES: Provisions of recurrently needed services for business and residential uses. Uses include upholsterers, photocopying and small print shops.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part.

HORTICULTURE: A. General: The raising of vegetables, flowers, ornamental trees and shrubs as a commercial enterprise, including the storage of nursery equipment and materials and the erection of nursery structures.

B. Limited: The raising of vegetables, flowers, ornamental trees and shrubs as a commercial enterprise, provided that no nursery equipment or materials shall be stored and no structures erected. Commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation.

HOSPITAL: An institution devoted primarily to the maintenance and operation of facilities for

harbored, possessed, boarded, bred or cared for in return for compensation or kept for sale including privately or publicly owned, operated or managed dog pounds.

LABORATORIES: Establishments providing medical or dental laboratory services; or establishments with less than two thousand (2,000) square feet providing photographic, analytical, or testing services. Other laboratories are classified as industry limited.

LAUNDROMAT: Business providing self service cleaning facilities for clothing and other fabric articles.

LAUNDRY (With No Drive Up Service): A business which launders and dry cleans clothing and other fabric articles in bulk.

A. With Drive Up Service: Institutions providing services accessible to persons who remain in their automobiles. Drive up service is classified separately because it is not appropriate at all locations.

LIVE ENTERTAINMENT EVENTS: Temporary concerts and other cultural events lasting less than seven (7) days or ongoing occasional events such as barn dances, square dances, weddings and receptions.

LOADING SPACE, OFF STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off street parking spaces are filled. Required off street loading space is not to be included as off street parking space in computation of required off street parking space. All off street loading spaces shall be located totally outside of any street or alley right of way.

LOT: A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage, as may be required within this code, on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record; and
- C. A combination of complete lots of record, or of portions of lots of record.

LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under "yards" in this section.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right of way of any public or private street.

LOT OF RECORD: A lot which is a part of a subdivision recorded in the office of the county recorder; or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES: Terminology used in this title with reference to corner lots, interior lots and through lots is as follows:

Corner Lot: A lot located at the intersection of two (2) or more streets;

Interior Lot: A lot with only one frontage on a street;

Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot; and

Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

MOBILE HOME: A detached single-family dwelling unit with all of the following characteristics:

A. Designed for a long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems;

B. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detached wheels; and

C. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembling operations, location on foundation supports, connection to utilities, and the like.

MOBILE HOME COURT (RV): Any site or tract of land whereupon two (2) or more mobile homes, travel trailers, or recreational vehicles are placed, located and maintained for dwelling purposes on a temporary basis.

MOBILE HOME PARK: Any site or tract of land under single ownership upon which two (2) or more mobile homes in habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such park.

MOBILE OFFICE: A detached mobile unit not intended for occupancy as a dwelling unit designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detached wheels. Use of mobile office at other than a construction site requires a conditional use permit.

MODULAR HOME: Constructed with standardized units or dimensions for flexibility and variety in use.

MOTELS: Establishments offering lodging on less than weekly basis. This classification may include incidental eating or drinking service.

MUSEUM: Institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes museums, and art galleries.

NONCONFORMING USE: A building, structure or use of land existing at the time of enactment of this title, and which does not conform to the regulations of the district in which it is situated.

NONPROFIT REHABILITATION CENTER: Facilities operated by established nonprofit organizations such as goodwill industries, salvation army, etc., which are intended to provide employment and training for handicapped persons. Such facilities may include, but are not limited to, activities such as light assembly of products, training, administrative office, repair and sale of secondhand clothing, furniture and appliances, and may include certain facilities for persons with profound mental retardation. This use does not include homeless shelters or other forms of transient or permanent residential accommodation.

NURSERY, PLANT MATERIALS: Land, building or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

NURSING/CONVALESCENT HOME: Establishments providing care on a twenty four (24) hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services. This classification also includes senior assisted living facilities with provisions for shared kitchen facilities and rooms with private bathrooms.

OFFICES, BUSINESS AND PROFESSIONAL: Offices of firms or organizations providing professional, executive, management, or administrative services. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.

OPEN SPACE: A common area platted as a separate lot, provided within a recorded easement, or dedicated to and accepted by the city. The area shall be substantially open to the sky, exclusive of streets, buildings and other covered structures, and shall be designated and intended as a usable and convenient amenity to any proposed development. Wetland areas, drainage ditches, irrigation ditches, and similar features shall not be considered as a part of the minimum area of open space required.

PAD MOUNTED MECHANICALS: All mechanical and electrical equipment mounted on the ground, including, but not limited to, transformers, compressors, generators, and other equipment to establish a controlled interior environment. All pad mounted mechanicals shall be screened from view.

PARAPET OR PARAPET WALL: That portion of a building wall that rises above the roof level.

PARK AND RECREATION FACILITIES: Noncommercial parks, playgrounds, recreation facilities and open spaces.

PARKING LOT, PARKING GARAGE: Parking lots or garages offering short term or long term parking.

PARKING LOT, PARKING GARAGE, COMMERCIAL: Parking lots or garages offering short term or long term parking to the public for a fee.

PARKING SPACE, OFF STREET: An off street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right of way.

PAWNSHOPS: A. General: Establishments licensed by this code and engaged in the buying or selling of new or secondhand merchandise, including minimal numbers of used autos, and offering loans secured by personal property.

B. Auto: Exclusive. Auto pawnshops are those businesses dealing exclusively in offering loans secured by automobiles, trucks, motorcycles, recreational vehicles, travel trailers and similar vehicles, the storage of which requires one or more large parking areas. An auto pawn dealer may sell unredeemed pawned vehicles; however, the auto pawn classification does not include the sale of new vehicles unless auto pawn business is in conjunction with and on the premises of a new vehicle dealership.

PERFORMANCE BOND OR SURETY BOND: A financial guarantee by a subdivider or developer with the city in the amount of the estimated construction cost guaranteeing the completion of physical improvements, according to plans and specifications within the time prescribed by the agreement.

PERSONAL IMPROVEMENT: Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, riding academies, business and trade schools, and diet centers, reducing salons, and fitness studios.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors and similar activities.

PERSONAL WIRELESS FACILITIES: Facilities necessary for the provision of personal wireless services (i.e., towers, support buildings, etc.).

PERSONAL WIRELESS SERVICES: Commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of residential, commercial and industrial uses developed under single ownership or control are accommodated in a preplanned environment with more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under these regulations.

PRIVATE ROAD: A road, street, alley, or bridge that is not laid out or established by the state of Idaho or a subdivision of the state or dedicated to the state or a subdivision of the state and accepted by such entity or used by the public for a period of not less than five (5) years and worked and kept up by, at the expense of, the public during that period of time.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public services structures by a public utility, by a railroad whether publicly owned or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

QUASI-PUBLIC USE: Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

RESEARCH ACTIVITIES: Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering.

RESTAURANT: Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including, among others, such uses as cafe, cafeteria, coffee shop, lunchroom, tearoom, and dining room.

RESTAURANT (Drive In): A restaurant which primarily serves patrons in vehicles parked outside the principal building. Patrons are served at the vehicle and these facilities typically have no indoor seating. This use does not include restaurants with drive up window service.

RESTAURANT (With Drive Through): A restaurant, typically with indoor seating, which includes drive up window service for ordering food to go.

RETAIL SALES: A. General: The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, video stores, and furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, art antiques, art supplies and services, paint and wallpaper, carpeting and floor coverings, office supplies, bicycles, and new automotive parts and accessories, (excluding services and installation).

B. Limited: Excludes furniture, hardware, paint and wallpaper, carpeting and floor covering, new automotive parts and accessories and similar uses.

C. Pharmacies And Medical: Establishments primarily selling prescription drugs, and medical supplies and equipment.

RIDING ACADEMIES/STABLES: Establishments offering facilities for instruction in horseback riding, including rings, stables, and exercise areas, and facilities for the care and exercise of horses and related equestrian activities.

RIGHT OF WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by topography or treatment) such as grade separation, landscaped area, viaducts and bridges.

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural and related products, the majority of which have been grown on adjacent land.

ROOF MOUNTED MECHANICALS: All equipment mounted above the roof plane of a building, including, but not limited to, heating and air conditioning equipment, antennas, satellite dishes, and other equipment necessary to establish a controlled interior environment. All roof mounted mechanicals shall be screened from view.

SCHOOLS, PUBLIC OR PRIVATE: Educational institutions having a curriculum comparable to that required in the public schools of the state of Idaho.

SEAT: For purposes of determining the number of off street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated on each twenty four (24) lineal inches of benches, pews or space for loose chairs. A row of benches, pews or loose chairs for every five feet (5') of seating area shall be considered for determining total possible number of rows.

SETBACK LINE: A line established by this title, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located aboveground except as may be provided herein.

SHOPPING CENTER: A group of commercial establishments, planned, developed, owned and/or managed as a unit related in location, size and type of shops to the trade area the unit serves. Shopping centers shall provide services for a neighborhood or for the community. Neighborhood centers will typically be comprised of between thirty thousand to one hundred thousand (30,000 - 100,000) square feet of gross leasable floor area and community centers will typically be comprised of between one hundred thousand to four hundred fifty thousand (100,000 - 450,000) square feet of gross leasable floor area.

SHOPPING MALL: A regional shopping facility comprised of many separate shops typically with two (2) or more major anchors (usually full line department stores) with shops/major anchors accessed mostly by indoor halls/walking areas. Outdoor access may be provided for open air shopping malls. A shopping mall shall provide services for a regional area, as well as the community, and will typically be comprised of between four hundred fifty thousand to eight hundred fifty thousand (450,000 - 850,000) square feet of gross leasable floor area.

SIDEWALK: The portion of the road right of way outside the roadway which is improved for the use of pedestrian traffic.

SIGN: A. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

B. Any identification, description, illustration, symbol, statue or device, illuminated or nonilluminated, which is visible from any public place designed to advertise, identify or convey information, including any landscaping where letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and state or national flags.

1. Illuminated Sign: Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.

2. Lighting Device Sign: Any light, string of lights or group of lights located or arranged so as to cast illumination on sign.
3. Off Premises Sign: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.
4. On Premises Sign: Any sign related to a business or profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.
5. Projecting Sign: Any sign which projects from the exterior of a building.

STOCKYARD, SLAUGHTERHOUSE, MEATPACKING: An establishment maintained for the use of slaughtering or maintaining stock or preparing or processing of products for human consumption in order to prepare for sale to outlets.

STORY: That part of a building between the surface of a floor and the ceiling immediately above it.

STREET: A right of way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place or other such terms.

- A. Access Street: A minor street which has the primary purpose of providing access to abutting properties.
- B. Alley: A minor street providing secondary access at the back or side of a property otherwise abutting a street.
- C. Arterial Street: Provides access from one part of the community to another and also provides for the movement of vehicles through the community.
- D. Collector Street: Accommodates circulation within and between neighborhoods.
- E. Private Street: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

STREET FAIR: Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures for a maximum period of seven (7) days. This classification includes block parties.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

TOWER: Any ground or roof mounted pole, spire, similar structure, or combination thereof, with a "height", as defined by this title, in excess of fifteen feet (15'), including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

8-2-3: SCHEDULE OF DISTRICT USE REGULATIONS:

District regulations shall be as set forth in the official schedule of district regulations, in the performance standards in chapter 3 of this title, and as otherwise provided within this code. The official schedule of district regulations is divided into five (5) land use groups: agricultural, residential, commercial, industrial, and public/semipublic. To determine in which district a specific use is allowed:

- A. Find the use in one of the land use groups;
- B. Read across the chart until either "P" or "C" appears in one of the columns; and (Ord. 298, 10-14-1997)
- C. If "P" appears, the use is an allowed use; if "C" appears, the use is only allowed upon the issuance of a conditional use permit and/or a development agreement upon rezone to an MU or BP zoning designation; if no letter appears the use is prohibited.

The administrator shall interpret the appropriate district for land uses not specifically mentioned by determining the district in which similar uses are permitted. If the administrator determines that a proposed use is not specifically mentioned and is not similar to any specifically mentioned use the administrator shall determine that the use is prohibited. When several combined land uses exist, or are proposed, the most intensive land use shall be considered as the primary activity.

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

(P - Permitted Use / C - Conditional Use / No P Or C - Prohibited Use)

LAND USES	DISTRICTS																
	A	A-	R-	R	L-	C-	C-	C-	C-	CBD	M-	BP	M-	M-	PS	M	
	R	E	O	A	1	2	3			1		2	3				
AGRICULTURAL																	
Agricultural and forest	P																
Dairy farm	C																
Farm	P	P															
Farmer's markets (outdoor)	P					P	P										P
Feedlot and stockyard	C											C					
Horticulture (general)	P	P	P	P	P	P											P
Horticulture (limited)	P	P	P	P	P	P											P
Roadside stand (temporary structure)	P	P	P	P	P	P	P	P									P
Turf and/or tree farm	P									C							
Vineyard	P									C							

facility																				
Bakery plant (wholesale)										P	C	P								
Banks/financial institutions (no drive up service)					P	P	P		P											P
Banks/financial institutions (with drive up service)							C	P	C	C										P
Bar								C	C	C	C									C
Beauty/barber shop			C	C	C	P		P	P	P	P									P
Bed and breakfast facility	C		C	C		C		C			C									C
Building supply outlet									C	C		P	C	P						
Cabinet shop									P	P		P	C	P						C
Catering service					P			P	P											P
Cemetery	C		C	C	C	C		C	C	C		C	C							C
Childcare Daycare center	C		C	C	C	C		C	C	C	C									C
Family Group	P		P	P	P	C		C			P									P
Christmas tree sales	C		C	C	C	C		C	C	C	C									C
Church	P					P		P	P	P	P	P		P						P
Circuses and carnivals	C		C	C	C	P		P	P	P										P
Clinic																				C
Club or lodge					P			P	P		P									P
Commercial entertainment facilities (indoor)					C			C	P	P	P									C
Commercial entertainment facilities (outdoor)	C		C						P	P	P									C
Communication facilities	C		C					P	P	P		P		P						C
Convenience store with fuel service								C	P	P										
Convenience store with no fuel service	C		C	C	C			P	P	P	P									P
Detention facilities														C						

Nursing/convalescent home	C	C C C	C C C							C
Office, business and professional			P P P P P		C					P
Parking lot, parking garage			P P P C P		P P					P P
Parking lot, parking garage, commercial			C P P P C P		C					C
Pawnshops (auto)				C		C				
Pawnshops (general)				C C						
Personal improvement			P P P P P							P
Personal services			P P P P P							P
Personal wireless facilities (height-35 feet or less)	C	C	P P P P P P P		P P P P P					P
Personal wireless facilities (height-over 35 feet)	C	C	C C C C C		C	C C C C				
Photographic studio			P P P P P							P
Printing and/or blueprinting			P P P P P		P					P
Professional activities			P P P P P							P
Restaurant (drive in)				P P						
Restaurant (no drive thru)		C C	P P P P							P
Restaurant (with drive thru)				P P						
Retail sales (general)			C C P P P							C
Retail sales (limited)			P P P P P							C
Retail sales (pharmacies and medical)			C P P P P							P
Riding academies/stables	P	C C								C
Shop, contractors (and/or yard)				C P	P	C P				
Shopping center				C C C P						C
Shopping mall				C C P						
Sign shop, including painting				P P	P	C P				C

Small engine repair (mower, chainsaws, etc.)			C	P	P		P		C			C	
Storage (enclosed building)		P	P	P	P		P		C	P	P	C	
Storage (fenced area)	C	C	C	C	C		C		C	P	P	C	
Street fair				P		P						P	P
Tire shop, including recapping				P	P		P		C				
Trade fair				P		P							C
Travel services		P	P	P	P	P							P
Truck stop				C	P		C		C				
Upholstery shop			P	P	P	P	C		C				C
Vet clinic (animal hospital)	C	C	C	P	P	P	P						P
Welding, tool shop			C		P		P		C	P			
Woodworking shop			P	P	P		P		C	P			C
INDUSTRIAL													
Asphalt plant											P	P	
Automotive wrecking yard or salvage											C	C	
Beverage bottling plant							C		C	P			
Billboard manufacture							C		C	P			
Cement or clay products manufacturing											P	P	
Chemical storage and manufacturing											C		
Concrete batch plant											P	P	
Dairy products processing	C						P		C	P	P		
Food processing plant									C	P			
Fuel yard											P		
Grain storage	C										P		
Ice manufacture, cold storage							C		C	P			
Industry													
Custom				P			P		P				C

Limited		P		P		P				C		
Research and development						P				C		
Junkyard								C	C			
Lumberyard, retail				C		P						
Machine shop		P	P	P		C	P					
Manufacturing, furniture				P		C	P					
Mobile home manufacturing							P					
Monument works, stone					C	C	P					
Petroleum storage								C	C			
Planing mill								P				
Public utility yard			C	C		C	P					
Railroad yard or shop			C	C			P					
Recycling operation								C				
Rendering plant									C			
Research activities						P				C		
Sand or gravel yard								C	P			
Sanitary landfill								C	C			
Stockyard, slaughterhouse; meatpacking										C		
Terminal yard, trucking			C					P				
Truck and equipment repair and sales (heavy)		C	C		C	C	P					
Warehousing, wholesaling plant					P	C	P					
Wood processing plant								P				
PUBLIC/SEMIPUBLIC												
Golf course and related services	C		C	C	C	C	P	P	P	P	P	C
Government building, offices					P	P	P	P	P	P	P	P
Library					C	C	P	P	P	P		P
Museum					C	C	P	P	P	P		P

Park and recreation facilities		C C C C	C C C P		P C
Public service facilities	C	C C C C C C C C C C		C C C C C	
School, public or private	C	C C C C	C C C C		P C
(Ord. 298, 10-14-1997; amd. Ord. 325, 8-25-1998; Ord. 334, 6-9-1998; Ord. 357, 1-25-2000; Ord. 368, 3-21-2000; Ord. 373, 12-12-2000; Ord. 405, 1-23-2002; Ord. 422, 4-23-2002)					

whichever the case may be, to determine the appropriateness of such material.

1. Exterior walls and soffits:

a. Wood: cedar (clear) and redwood (clear) – architectural/premium grade. Log siding, wood shingle are permitted for accent only, twenty five percent (25%) maximum wall coverage (per each facade);

Synthetic board and bat sidings are permitted as accents only. Plywood is prohibited.

b. Fiber cement;

c. Masonite: horizontal lap only, maximum six inch (6") reveal;

d. Vinyl: 0.46 millimeter minimum thickness, integral color;

e. Textured tilt up concrete with accent reveals;

f. Textured pour in place concrete with accent reveals;

g. Masonry: brick, natural rock/stone, synthetic stone, decorative block. Smooth face block for accent only, ten percent (10%) maximum wall coverage (per each facade);

h. Stucco: twenty five percent (25%) planer change required, additional accents shall be incorporated through the use of other material(s);

i. EIFS: permitted for accent only, ten percent (10%) maximum wall coverage (per each facade). Additional accents required through the use of other materials;

j. Additional encouraged material: exposed beams, fabric awnings, cornices/dentils, shutters, dormers, cupolas, columns;

k. Metal: metal siding shall be anodized, shall have a concealed fastener system, shall have a silicon polyester finish or equivalent, and shall include special design treatments to enhance its appearance. These treatments may include brick or masonry wainscot treatments along exterior walls and accent colored metals.

Metal siding is prohibited on the portion of any building facing a road. This includes sections within the front facade that may be perpendicular to the road but within the face of the building oriented towards the road.

A waiver of this subsection B1k on metal siding may be allowed where the applicant shows that the metal is architecturally compatible with surrounding buildings; is architecturally compatible with other nonmetal buildings in the city; and is attractively landscaped, designed, and situated, to eliminate the stark utilitarian look intended to be prevented by this subsection.

In addition to the metal siding prohibition listed in this subsection B1k, metal siding shall be prohibited in the DDA, TDA, CEDA design review overlay district areas.

2. Roofs:

- a. Wood shakes/shingles: premium on number 1 grade;
- b. Architectural grade textured composition shingles;
- c. Tile: cementitious, clay;
- d. Slate;
- e. Metal; standing seam, batten seam (concealed fasteners required);

Metal, standing seam/batten seam is prohibited on mansard roof sections facing a road.

- f. Flat roof specification: single ply, built up (both nonreflective).

3. Fences:

- a. Vinyl: integral color required;
- b. Block (with columns);
- c. Brick (with columns);
- d. Wrought iron;

c. Existing and proposed storm drainageways, canals, floodway and floodplains relative to flow or alignment alterations, containment and endangerment of health; and

d. The maintenance of floodway, floodplains, drainageways, channels, culverts, head gates, canals, and soils.

4. Signage: Signing for any project shall provide for business identification and minimize clutter and confusion on and off the site, and shall be in compliance with section 8-2A-8 of this article and the current edition of the uniform sign code adopted by the city. The design review board shall consider:

a. The "overall sign concept" for multitenant business centers to assure that it addresses the continuity between tenant sign design and building design;

b. The reduction of hazards to motorists, bicyclists and pedestrians as may be caused by or partially attributable to the distraction and obstruction of improperly located and designed signs;

c. The provision for effective and necessary business identification systems adapted to the building design;

d. The continued maintenance of signs throughout their life; and

e. The size, location, design, color, texture, lighting, landscaping, and hours of operations of all permanent signs and outdoor advertising structures or features to ensure that any such proposals do not detract from the function of, or design of, buildings, structures, surrounding properties, neighborhoods, or streets.

5. Utilities: Utility service systems shall not detract from building or site design. Cable, electrical, and telephone service systems shall be installed underground, and the design review board shall consider:

a. Size and location of all service systems for appropriate appearance and maintenance accessibility;

b. The location and design of transformers, pad mount and roof mounted mechanicals and electrical equipment shall be reviewed and approved by the design review board. All roof mounted mechanicals shall be completely screened from view through the use of a parapet wall when utilizing a flat roof design or shall be enclosed within the building when utilizing a roof design other than a

flat roof. "Screened from view" shall mean "not visible" at the same level or elevation of the parapet wall (e.g., the perspective generally as shown on an elevation plan);

c. The location and sizes of all utility lines, manholes, poles, underground cables, gas lines, wells, and similar installations; and

d. The continued maintenance of these service systems.

6. Building Design:

a. **Building Mass:** The mass of the building shall be reviewed for its relationship with existing development in the immediate surrounding area and with the allowed use proposed by the applicant;

b. **Proportion Of Building:** The height to width relationship of new structures shall be compatible and consistent with the architectural character of the area and proposed use;

c. **Relationship Of Openings In The Buildings:** Openings in the building shall provide interest through the use of such features as balconies, bays, porches, covered entries, overhead structures, awnings, changes in building facade and roofline alignment, to provide shadow relief. Avoid monotonous flat planes;

d. **Relationship Of Exterior Materials:** The design review board shall determine the appropriateness of materials as they relate to building mass, shadow relief, and existing area development. Use of color to provide blending of materials with the surrounding area and building use, and the functional appropriateness of the proposed building design as it relates to the proposed use shall be considered; and

e. **Allowed Architectural Styles:** The architecture styles provided in the EASD book are approved examples for applicants to follow when designing for Eagle architecture.

- B. **Architectural Requirements, Building Materials, Fence And Deck/Patio Materials, Colors, And Architectural Appurtenance Height Limitation:** Unless specified as prohibited herein, materials listed in this section are allowed. If a material proposed for construction is not listed in this section it shall be upon the discretion of the zoning administrator, the design review board, and the city council,

ment will provide a desirable environment for its occupants as well as for its neighbors, and whether, aesthetically, the composition, materials, textures and colors meet the intent of this article. The design review board shall consider the following criteria in reviewing the application:

1. Site Design Objectives: The site plan design shall minimize impact of traffic on adjacent streets, provide for the pedestrian, and provide appropriate, safe parking lot design.
 - a. The functional relationship of the structures and the site in relation to its surroundings;
 - b. The impact and effect of the site development plan on traffic conditions on contiguous streets and adjoining properties or neighborhoods;
 - c. The site layout with respect to separation or integration of vehicular, pedestrian and bicycle traffic patterns;
 - d. The arrangement and adequacy of off street parking facilities relative to access points, building location and total site development to prevent traffic conflict or congestion;
 - e. The location, arrangement and dimensions of truck loading ramps, docks, and bays and vehicle service facilities;
 - f. The access, parking lot, and interior roadway illumination plans and hours of operation;
 - g. The required driver, pedestrian and bicycle sight distance requirements of the project and their relationship to adjacent streets, driveways and properties;
 - h. The coordination of the site development with planned right of way alignments, acquisitions and street improvements;
 - i. The graphic delineation of traffic circulation patterns to avoid confusion, congestion and conflicts;
 - j. The continued maintenance of traffic, parking and lighting systems;
 - k. The protection of views and vistas in relation to urban design and aesthetic considerations; and

1. The provision of safe pedestrian and bicycle connections between neighborhoods and commercial areas.

2. Site Landscaping: The site landscaping shall minimize impact on adjacent properties through the proper use of screening with sound and sight buffers, and unsightly areas shall be concealed or screened and the design review board shall consider:

a. The location, height, and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development;

b. The location and type of new plantings, with due regard to preservation of specimen and landmark trees, and to maintenance of all plantings;

c. The providing of screen plantings or other screening methods reasonably required to conceal outdoor storage areas, trash receptacles, service areas, truck loading areas, utility buildings and other unsightly developments;

d. The installation of sound and sight buffers, the preservation of public views, light and air, and the consideration of those landscape aspects of design which may have substantial effects on neighborhood development, land uses, and amenities;

e. The design and use of open spaces and parks; and

f. The permanent maintenance of all landscaped areas and fencing.

3. Site Grading And Drainage: The on site grading and drainage shall be designed so as to maximize land use benefits and to minimize off site impact and provide for slope and soil stabilization to prevent erosion and the design review board shall consider:

a. The existing and proposed grading relative to soil removal, fill work, retainage, soil stabilization, erosion control on the site and the adjacent terrain and streets, and adoption of the development to the existing site contours;

b. The planting of ground covers or shrubbery to prevent dust, to stabilize soils and embankments and to control erosion;

particular site, setting, or use to be of historical significance. (Ord. 462, 11-11-2003)

8-2A-4: **DEFINITIONS:** Certain words or phrases used in this article shall be interpreted as defined within a particular section, as defined within this article, or as defined in section 8-1-2 of this title, with the more specific and/or more restrictive definition controlling. Any other words or phrases not specifically defined shall be interpreted to give this article its most reasonable application. (Ord. 462, 11-11-2003)

8-2A-5: **DESIGN REVIEW OVERLAY DISTRICTS; EAGLE ARCHITECTURE AND SITE DESIGN BOOK (EASD):**

- A. **Area Of District:** The design review overlay district encompasses the entire city limits including any land annexed into the city after the date of adoption hereof.
- B. **Proposed Developments:** Any proposed development located within the design review overlay district shall be harmonious with and in accordance with the general objectives and with any specific objective of the comprehensive plan.
- C. **Areas Of Development:** There are four (4) specifically defined areas of development within the design review overlay district. The general purpose of each of those areas are described below. Any development which meets the criteria for design review, as set forth in this article, that is not within the specific areas described below, shall be required to comply with the general requirements of this article and not the specific requirements for the DDA, TDA, CEDA, and DSDA:
 - 1. **Downtown Development Area-DDA:** The purpose of the DDA is to establish a distinct area regulated to fulfill the vision of the city comprehensive plan and to provide for activities conducive to a compact and concentrated downtown commercial center.
 - 2. **Transitional Development Area-TDA:** The purpose of the TDA is to provide areas for public parking and service to the DDA and serve as an area for future expansion of the DDA as market demands grow.
 - 3. **Community Entry Development Area-CEDA:** The purpose of the CEDA is to fulfill the vision of the city comprehensive plan by providing a sense of entry into Eagle and transitional development into the DDA.

4. Dunyon/State Development Area-DSDA: The purpose of the DSDA is to allow unique regulations specific to this district to facilitate the redevelopment of the area.

Where any parcel lies within more than one development area described above, the entire parcel shall be considered to be within the development area with the more restrictive requirements. However, the development of a parcel located within more than one development area may be permitted using the criteria from each respective district provided the design review board determines that the more restrictive criteria is not compromised and that the development is in harmony with the adjacent properties.

- D. **Area Boundaries:** The DDA, TDA, CEDA and DSDA are delineated on the map (exhibit A-1) included as part of EASD book.
- E. **Eagle Architecture And Site Design Book-EASD:** The purpose of the EASD book is to show, through the use of pictures and text, specific period architectural styles, themes, and elements envisioned through the requirements of this article. The EASD book, established through a resolution of the city council and as may be amended through future resolution(s), contains all exhibits referenced in this article and is incorporated herein by reference. However, exhibit A-1 may only be modified through an ordinance amendment. The architecture styles found in the EASD book are permitted styles. Architectural styles not shown within the EASD book will not be considered. A copy of the EASD book is available at Eagle city hall. (Ord. 462, 11-11-2003)

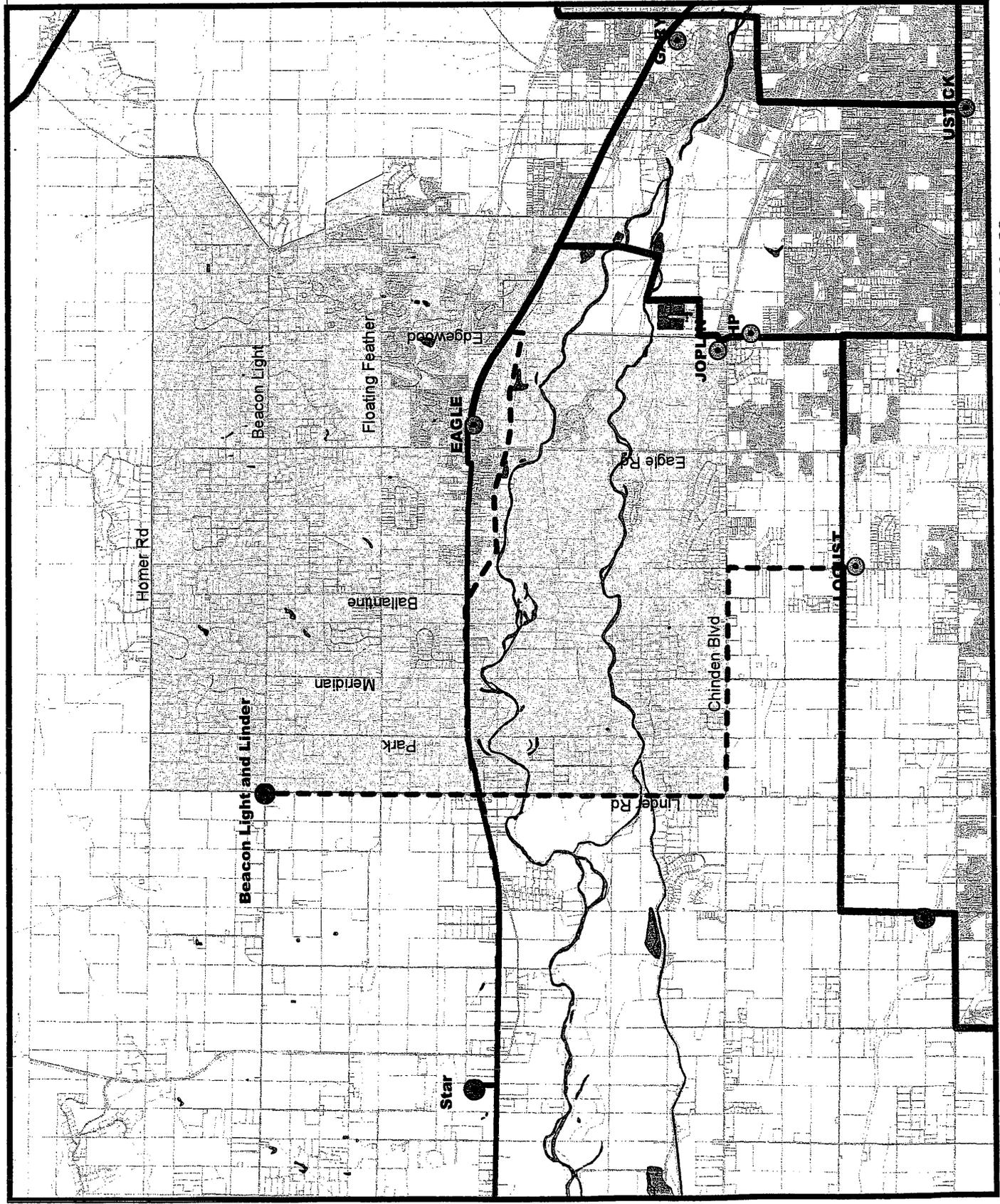
8-2A-6: DESIGN REQUIREMENTS, OBJECTIVES AND CONSIDERATIONS:

- A. **General Objectives And Considerations:** The following apply to the entire design review overlay district including the DDA, TDA, CEDA, and DSDA. Additional requirements for the DDA, TDA, CEDA, and DSDA are set forth in subsections C through G of this section and, to the extent there is a conflict with this section, the requirements for the DDA, TDA, CEDA, and DSDA shall control. The following, including the provisions set forth in the Eagle architecture and site design book, contains a listing of objectives applied to each application, and a listing of matters which shall be considered by the design review board. The objectives are separated into two (2) sections: site design and building design. Specific aspects of design should be examined to determine whether the proposed develop-

Facilities map

Legend

- Future_subs2.shp
- Ip_sims_pt.shp
- Eagle future line.shp
- ▬ Trans_ipc.shp
- ▬ 46
- ▬ 89
- ▬ 138
- ▬ 230
- ▬ 500
- ▬ R44316_In_ipc
- ▬ R44316_In_ipc
- ▬ HY4316_pl_ipc
- ▬ Parcels_ipc.shp
- ▭ Area of impact.shp



Eagle Area Idaho Power Facilities Map 11-21-02

Case No. IPC-E-04-4
Exhibit 137

**Eagle Planning and Zoning
Meeting Minutes**

December 4, 1995

EAGLE PLANNING AND ZONING MEETING MINUTES

*Moved to
Bowers
1-9-91*

December 4, 1995

The Eagle Planning and Zoning Commission met in regular session on December 4, 1995. Chairman BRADLEY presiding.

The following members were present: BERT BRADLEY, DONALD BRINTON, RUSSEL MAYER, COLLEEN MAILE.

Moved by BRINTON and seconded by MAILE to approve the minutes of the November 20, 1995, meeting as corrected.

Page 3, item 3 "objections" to the comprehensive plan is to be corrected to "objectives",
Page 2, Datter should read Dater

ALL AYE: MOTION CARRIED.

PUBLIC HEARING/Idaho Power-CUP

Chairman BRADLEY announced this was the time and place for a public hearing regarding the application made by Idaho Power for a Conditional Use Permit.

Applicant: Idaho Power
Proposal: Upgrade the substation
Location: E. State St. (Across from City Hall)

Susan Grey, Idaho Power representative, introduced Blaine Johnston, Architect.

Blaine Johnston: Described the landscaping plans.

David Sikes: Electrical Engineer for Idaho Power outlined the upgrading schedule. He said upgrading is needed for about every 10,000 new resident population increase. A new facility may be upcoming in the future to the west of town.

Testimony: none

BRINTON asked the representatives to talk to Don Crawford about a landscaping screening along the property line and recommended more screening type landscaping. MAILE suggested any further upgrading in the future at this location should not be considered. Idaho Power should look for another location.

The public hearing closed at 7:50 p.m.

Moved by BRINTON and seconded by MAYER to approve the CUP with the following conditions: 1. Consult with Crawford. 2. Additional screening in landscaping.

AYE: MAYER, BRINTON. NAY: MAILE. ALL AYE: MOTION CARRIED.

EAGLE PLANNING AND ZONING MEETING MINUTES

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AYE: MAYER, BRINTON. NAY: MAILE. ALL AYE: MOTION CARRIED.

Maile - corrected by JZ

UNFINISHED BUSINESS:

Findings of Fact and Conclusions of Law/Falling Waters

Moved by MAILE and seconded by BRINTON to continue this topic until the next regularly scheduled meeting. ALL AYE: MOTION CARREID.

Downtown Development - Recommendation of RFP's:

The topic was explained to the Commission by Joe Schreiber, Chairman of the Downtown Development Committee. The selection was "Jenson Belts".

Council Report: Mary Berent

The Commissioners will meet on January 22, 1996 as both regular meeting dates in January are holidays. They would like to discuss the comprehensive plan at that time.

There being no further business the meeting adjourned at 8:35 p.m.

Respectfully submitted:

BARBARA MONTGOMERY
EAGLE CITY CLERK

APPROVED:

CHAIRMAN BERT BRADLEY

Correspondence with Black & Veatch



Mayor: Nancy C. Merrill

CITY OF EAGLE

P.O. Box 1520
Eagle, Idaho 83616
939-6813

Council: Stanley J. Bastian
Steve Guerber
Scott Nordstrom
Lynne Sedlacek

February 3, 2003

Black & Veatch
Attn: Dave Pleskac
4004 Kruse Way Place, Suite 200
Lake Oswego, Oregon 97035

RE: Request for Engineering Services

The City of Eagle is currently requesting engineering and cost analysis services related to the construction of high voltage transmission lines. In particular, the City currently has pending before the Planning and Zoning Commission, an application for a 138Kv line approximately two and one-half (2.5) miles in length that will parallel a scenic corridor within the city limits.

We would like to retain an individual or firm to review the current application and advise the City of Eagle on the following issues:

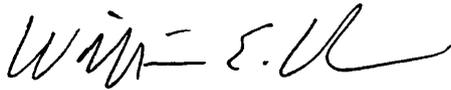
1. Is it feasible to place the line underground and at what cost? What would be the least expensive route?
2. What are design, location and maintenance concerns with placing a high voltage transmission line underground?
3. Is the cost estimate provided by Idaho Power Company for the above ground line reasonable?
4. What is the best alternative to an underground line, i.e. the least visually obtrusive route?
5. For an overhead line, identify the best materials available to diminish the visual effect of the line.
6. Other issues that you may deem relevant regarding this issue.

As a part of your analysis, you will likely be asked to appear before the Planning and Zoning Commission on at least one occasion to present your findings and respond to questions by the Commission.

If interested, please provide a proposal for the engineering services required to address the above noted criteria on or before February 28, 2003. As part of the proposal, please indicate the approximate timeframe necessary to complete your study addressing items 1-6 above.

We understand that due to the nature of this project, multiple phone conversations with the planning and zoning staff may be necessary. Please feel free to contact myself or Jeff Lowe at 208-939-0227 with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Vaughan". The signature is fluid and cursive, with a long horizontal stroke at the end.

William E. Vaughan, AICP
City of Eagle Zoning Administrator

Attachments: vicinity map of project area

Cc: Mayor Merrill
City Council Members
Layne Dodson, Idaho Power

Jeff Lowe

From: "Aggeler, Ted R." <AggelerTR@bv.com>
To: <jlowe@rmci.net>
Cc: <carroll@rmci.net>
Sent: Monday, April 07, 2003 10:58 AM
Subject: Idaho Power Eagle - Star 138kv Line

Thanks for the great news that Black & Veatch has been selected to evaluate Idaho Power's plan to construct the new Eagle - Star 138kv overhead transmission line. As we discussed, the first thing we need to do is get a contract signed so that I can start work and I understand the you have forwarded the agreement I sent for review. The following is some information that I would like to get from Idaho Power to make the most of our work.

To evaluate the study area as a potential location for an underground route:

1. Eagle - Star 138kv Line ampacity requirement
2. Special requirements for UG transmission lines on the Idaho Power system such as duct bank requirements, minimum burial depth or access requirements.

To evaluate the Idaho Power overhead line cost estimate:

3. Description of the line; average span length, average structure height, structures type, conductor size, mechanical loading requirements and applicable design criteria.

As I indicated in our proposal, I am available to meet with Idaho Power to discuss these requests either at the time of my first meeting with you or by conference call.

Please let me know if you have questions or comments.

Thanks again for selecting Black & Veatch and I look forward to working with you and your associates.

Ted Aggeler
Black & Veatch Inc.
11401 Lamar
Overland Park, KS 66211
Office: (913) 458-2534
Mobile: (816) 305-5827
Fax: (913) 458-2888
E-mail: aggelertr@bv.com



Mayor: Nancy C. Merrill

CITY OF EAGLE

P.O. Box 1520
Eagle, Idaho 83616
939-6813

Council: Stanley J. Bastian
Steve Guerber
Scott Nordstrom
Lynne Sedlacek

May 7, 2004

Black & Veatch Corporation
Attn: Ted Aggeler
11401 Lamar Ave.
Overland Park, KS 66211

RE: Idaho Power Sub-transmission Line Alternative Assessment Study prepared by Black & Veatch for the City of Eagle, Idaho

Mr. Aggeler,

Idaho Power Company has filed a complaint with the Idaho Public Utilities Commission (PUC) regarding the City of Eagle's denial of a requested 138-kV line transmission line with the city limits of Eagle. The City of Eagle has been requested by the PUC to provide certain documents to the PUC for their review in this matter, including a copy of the alternative assessment study prepared by your firm (a copy of which already has been provided). The City requests that you provide any work papers, notes, and calculations that Black & Veatch used to prepare the aforementioned study. Please fax the documents to 1.208.938.3854.

Thank you for your time.

Please feel free to contact me at 1.208.939.0227 with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff T. Lowe". The signature is stylized and extends across the width of the page.

Jeff T. Lowe
Planner II
City of Eagle

Cc: Mayor Merrill
City Council Members

Jeff Lowe

From: "Aggeler, Ted R." <AggelerTR@bv.com>
To: <jlowe@rmci.net>
Sent: Friday, May 02, 2003 5:55 PM
Subject: Agenda

The following is intended to identify some things I would like to discuss with you and Idaho Power next week during my visit to help get a good start on the evaluation we will be performing for you.

First I would like to meet with you and your associates to introduce myself and give you a brief introduction to Black & Veatch. During our meeting I would also like to gain understanding of as much history associated with the proposed transmission line as it relates to the City of Eagle. With this discussion I intend to identify the City's concerns with the project so that our evaluation is focused on your questions and concerns. For example, it has not been discussed but I am assuming that portions of the route are more sensitive than others.

Also I would like to meet with Idaho Power to gain understanding of their policies relating to underground subtransmission lines and also to establish a basis for their cost estimate. Specifically I have identified the following issues that I need to understand in order to properly evaluate conditions for constructing, operating and maintaining an underground line in your area.

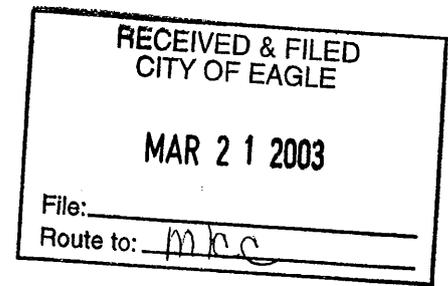
1. Identify the ultimate subtransmission system arrangement. How will the new line to the Star Substation be connected to the existing subtransmission system in the Eagle area? Will the connected to the Eagle Substation directly by reconstructing a portion of the existing line to accommodate a second circuit or will it connected by tapping the existing circuit outside of the substation?
2. Will introduction of a cable system in a portion of the new overhead line have an impact on how Idaho Power intends to operate and maintain the new line? Some issues that may be involved are control and protective relaying and circuit breaker reclosing.
3. What are the Idaho Power design requirements for underground cable systems?
4. What are the continuous and emergency current ratings for the new Eagle - Star subtransmission line?
5. From Idaho Power's prospective, are there any schedule or permitting issues associated with constructing a cable system in a portion of the new Eagle - Star subtransmission line. Does the study area contain jurisdictional wetlands or sensitive cultural resource areas?
6. In order to evaluate the cost estimate for the overhead line we will

need the design criteria for the overhead line including the average span length, right-of way width, general description of the soil properties along the route and the conductor size.

These items listed above identify the type of information we will be requesting. If some of this information is not available then I think we can discuss the issue and agree on a basis to move forward with the evaluation.

I look forward to working with and want to again thank you again for the opportunity. I will be calling you next week to determine what time you want to meet on Wednesday.

Ted Aggeler
Black & Veatch Inc.
11401 Lamar
Overland Park, KS 66211
Office: (913) 458-2534
Mobile: (816) 305-5827
Fax: (913) 458-2888
E-mail: aggelertr@bv.com



DATE: March 21, 2003

TO: Mayor Merrill and Council
City of Eagle

FROM: Vernon Brewer, Proj. Mgr.

RE: Recommendation on City's Request for Proposals
Eagle-Star 138 kV Sub-Transmission Line Analysis: Ref. No. EG030803

We have reviewed the responses to the Request for Proposals for the Transmission Line Analysis dated February 5, 2003. Three Proposals were received by the deadline of February 28. They were evaluated for responsiveness to the City's specific issues of concern, general application of professional judgement in assessing those concerns, and communication clarity.

In the order listed, we recommend that the City pursue negotiation of contract for services.

1. Black and Veatch
2. EES
3. Acres International

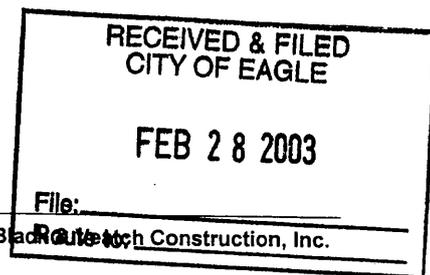
If you have any further questions or if issues arise in the development of the analysis, please contact Ken Rice, P.E. or myself on this project.



BLACK & VEATCH

11401 Lamar Ave
Overland Park, Kansas 66211 USA

Tel: (913) 458-2000
Fax: (913) 458-2934



City of Eagle, Idaho
Engineering and Cost Analysis
Eagle-Star 138 kV Sub-Transmission Project

B&V File 11.0200
February 28, 2003

Overnight Mail

City of Eagle
William E. Vaughan
310 E. State St.
Eagle, Idaho 83616

Subject: Proposal for Engineering and Cost
Analysis Services

Gentlemen:

Black & Veatch (B&V) is pleased to submit this Proposal for providing Engineering and Cost Estimating Services in support of the Planning and Zoning Commission's review of the application for permitting of the Eagle-Star 138 kV Sub-Transmission Project. This Proposal has been prepared in accordance with the City of Eagle's request for proposal dated February 3, 2003.

To provide the services requested Black & Veatch proposes to have an initial meeting with the City of Eagle in the City's offices. During this meeting we intend learn the current issues associated with the project and to fully define the City's needs and desired outcomes of the Engineering and Cost Analysis services. During the trip for the initial meeting we will also review the study area and proposed routes. Also at the time of the initial meeting we propose either a meeting or teleconference with Idaho Power Company for the purpose of collecting information defining the characteristics and design criteria of the proposed line and to collect available design standards or requirements for underground sub-transmission lines in the Idaho Power Company System. This information is necessary to evaluate the cost estimate for the overhead line and for preparation of an estimate for an equivalent underground system.

After the initial meeting Black & Veatch will prepare a study report which will address the following:

1. Feasibility to construct and operate and underground line in the study area.
2. Cost estimate for an underground line in the study area based on the lowest cost route alternative.
3. Design, location, and maintenance concerns, benefits and other issues associated with underground sub-transmission lines.
4. Evaluation of the Idaho Power Company's overhead line cost estimate for the Eagle-Star Line.

Mr. William E. Vaughan

February 28, 2003

5. Evaluation of the least visually obtrusive overhead line routes within the study area.
6. Overhead line materials used to diminish the negative visual impact of an overhead line.
7. Other issues deemed relevant during the initial meeting or during our study period.

After completion of the report Black & Veatch will submit copies of the report to The City of Eagle for review. Black & Veatch meet with the City in the City's offices for a formal presentation of the study report. During this second trip to the City it is anticipated that Black & Veatch will take part in a meeting with the Planning and Zoning Commission for a formal presentation of the study report and for responses to questions regarding the study.

After this second trip Black & Veatch will revise and reissue a final report to the City as appropriate to address comments from the City of Eagle.

We propose our Senior Transmission Engineer, Mr. Ted Aggeler to perform the services described in this proposal. We have attached a copy of his resume for your review. Black & Veatch has extensive experience in the design and construction of overhead and underground transmission projects. We have also attached a copy of our experience list for underground transmission lines.

The price for the proposed services is \$17,400. This price includes the costs for two trips to your offices for meetings and field review. It is anticipated that each trip will require two days. The price for additional trips that are requested by the City of Eagle is \$2,850. This price includes labor cost and expenses associated with a 2 day trip.

Black & Veatch is available and ready to begin performance of the services upon receipt of your notice to proceed. We can be available for the first meeting within 10 days of receipt of your notice to proceed. We anticipate the initial report submittal to occur 3 weeks after the initial meeting. Black and Veatch will be available for a second meeting at The City's request following 1 week for scheduling. The final report will be revised and submitted 2 weeks after the final meeting.

For your convenience we have also attached a proposed contract to be used for execution of the services for your review and comment.

Mr. William E. Vaughan

February 28, 2003

Please let us know if you have any questions concerning this Proposal by contacting me at phone umber 913-458-7328 or Mr. Ted Aggeler at telephone number 913-458-2534. Thank you for your consideration of Black & Veatch.

Very Truly Yours,

BLACK & VEATCH CORPORATION



FOR John Rector
Project Manager

naw
Enclosure

cc: Mr. Ted Aggeler – B&V
Mr. J. S. Rector - B&V
(Note: All with copy of enclosure)

Ted R. Aggeler
Black & Veatch
Engineering Manager

Specialization: Electric Transmission Line Design

Background: Ted R. Aggeler is a Transmission Engineer experienced in the fields of overhead and underground electrical transmission line design. He is responsible for all aspects of project implementation, including initial proposal development, planning, scheduling, overhead and staff administration. He has extensive experience in the design and construction management of electric transmission lines ranging in voltage from 69 through 500 kV. His responsibilities have included routing feasibility studies preparation, expert witness testimony for permitting, surveying, right-of-way acquisition, conceptual and detail design including development of procurement and construction specifications, material procurement and testing, and construction management.

Project Experience:

Year	Project / Client	Location	Position	Project No.
2002-Present	230 kV Double Circuit Cable System <i>Infrasource</i>	California	Engineering Manager	132254
Responsibilities:	Engineering Manager responsible for permitting and detail design of a 6.0 mile underground 230 kV double circuit transmission line within the Cities of Livermore and Pleasanton, California, owned by Pacific Gas & Electric. Scope of Work included permitting, detail centerline selections and design, development of material procurement specifications and drawings and construction specifications and drawings.			
2001-2002	115 kV Double Circuit Underground Cable System <i>Platte River Power Authority</i>	Colorado	Engineering Manager	98874
Responsibilities:	Engineering Manager responsible for permitting and detail design of a 2.7 mile underground 115 kV double circuit transmission line within the City of Loveland, Colorado, including detailed centerline selection and development of material procurement specifications and drawings and construction specifications and drawings.			
2001-Present	<i>Platte River Power Authority</i>	Colorado	Engineer Manager	99084
Responsibilities:	Engineering Manager responsible for permitting and detail design of a 3 mile underground and overhead 115 kV transmission line including detailed centerline selection and development of material procurement specifications and drawings and construction specifications and drawings.			
2001-Present	115 kV Single Circuit Underground Cable System <i>Orlando Utilities Commission</i>	Orlando, Florida	Engineer Manager	64156
Responsibilities:	Engineering Manager responsible for full design of one mile of 115 kV single circuit underground cable system in duct bank. Scope includes engineering and construction coordination.			

Ted R. Aggeler
Page 2

Year	Project / Client	Location	Position	Project No.
2001		New York	Project Manager	99738
	<i>Telergy</i>			
Responsibilities:	Project Manager responsible for contract administration, planning, scheduling, fiscal management and detail design for a project that involved adding an ADSS fiberoptic cable to existing Niagara Mohawk transmission lines. The project involved the analysis of various transmission tower types, detailed design of additional steel members required to attach and support the cable and development of procurement and construction documents.			
1998 – 2000		California, Oregon, Nevada, Utah, Tennessee, Ohio, Pennsylvania and New York	Project Manager	
	<i>Williams Communications</i>			
Responsibilities:	Project Manager responsible for proposal development, contract administration, planning, scheduling, fiscal management and staff administration. The project includes feasibility studies, routing, surveying, mapping, permit acquisition, and design of various long haul and metropolitan fiber cable routes, including design and construction of regeneration/OP-Amp sites.			
1993 – 1998		Kuala-Lumpur, Malaysia	Engineering Manager	24455
	<i>Tenaga Nasional Berhad</i>			
Responsibilities:	Engineering Manager responsible for management of the design staff for the conceptual and detail designs of 520 km of 500 kV transmission line, development of the material procurement and construction specifications, tender evaluation, assistance in contract negotiation, witness material type testing, and construction management including resolution of construction problems and review of contractor claims.			
1991 – 1993		New York	Transmission Engineer	18088
	<i>Niagara Mohawk</i>			
Responsibilities:	Transmission Engineer responsible for detailed route analysis, permitting support with expert witness testimony on transmission line design, conceptual and detailed designs for 22 miles of 345 kV transmission line including development of construction specifications and drawings.			
1990 – 1993		Texas	Transmission Engineer	
	<i>Central Power and Light</i>			
Responsibilities:	Transmission Engineer responsible for engineering aspects of a detailed route analysis for an 80 mile 345 kV transmission line, permitting support with detailed cost analysis of route alternatives, structure selection study, and conceptual and detailed designs including development of specifications and drawings.			
1991		Pennsylvania	Transmission Engineer	17864
	<i>General Public Utilities/ Duquesne Light Co.</i>			
Responsibilities:	Transmission Engineer responsible for a 250 mile 500 kV transmission line routing study consisting of conceptual line design and evaluation of multiple alternative routes, including a structure selection study and detailed cost analyses.			

Ted R. Aggeler
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Year	Project / Client	Location	Position	Project No.
1990	<i>Sithe Engineers</i>	New Jersey	Transmission Engineer	
Responsibilities:	Transmission Engineer responsible for feasibility and routing studies for 345 kV transmission line routes associated with proposed power plant sites.			
1984 – 1989	<i>AT&T</i>	Arizona, California, Oregon, Nevada, Utah, Colorado, Wyoming	Project Engineer	
Responsibilities:	Project Engineer responsible for route selection and surveying, permitting support, right-of-way acquisition, and conceptual and detailed route designs including development of construction specifications and drawings for 2,200 miles of fiber-optic cable route.			
1983	138 kV Transmission Line <i>Texas Municipal Power Agency</i>	Texas	Construction Manager	
Responsibilities:	Construction Manager for 28 miles of 138 kV transmission line. Responsibilities included material inspection and receiving, construction inspection and testing, construction contract management, contractor progress payment approval, and progress report preparation.			
1982	Texas Municipal Power Agency <i>Texas Municipal Power Agency</i>	Texas	Construction Manager	
Responsibilities:	Construction Manager for 10 miles of double circuit 345 kV transmission line. Responsibilities included material inspection and receiving, construction inspection and testing, construction contract management, contractor progress payment approval, and progress report preparation.			
1981	<i>Kansas City Power & Light</i>	Missouri	Design Engineer	
Responsibilities:	Electrical Engineer responsible for a detailed energy loss study on a utility transmission and distribution system.			
1981	115 kV Transmission Line <i>Orangeburg Municipal Utilities</i>	South Carolina	Design Engineer	
Responsibilities:	Design Engineer responsible for route selection analysis and conceptual and detailed designs for a 115 kV transmission line.			

Ted R. Aggeler
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Year	Project / Client	Location	Position	Project No.
1973 – 1980	Various Transmission Line Projects	USA	Transmission Line Designer/Drafter	

Responsibilities: Transmission Designer/Drafter involved in numerous transmission line design projects at voltages ranging from 69 to 345 kV, responsible for tower spotting, drawing preparation, and bill of material preparation.

Qualifications:

Education: Bachelors, Electrical Engineering, University of Missouri, 1981

Professional Registration: Engineer (PE), Missouri, 1987
Engineer (PE), Oklahoma, 2000

Year Joined Black & Veatch: 1973

Total Years of Experience: 30

Language Capabilities: English

Black & Veatch Engineering Experience Underground Power Transmission Projects

Legend: D = Design, C = Construction Management, S = Study, P = Procurement, EPC = Engineer, Design & Construct

Number of Projects	Client/Project Name	Project Description	Cable Type	Voltage (kV)	Circuit (Feet)	Year starting	Year end	Scope of Services
1	Georgia Transmission	UG Transmission Line Implementation Guide	Various	46/115/220	-	2002	Present	S
2	Georgia Transmission	McConnell Rd. 230 kV UG Estimate	XLPE	230	32,700	2002	2002	S
3	United Illuminating	Bridgeport 1710/1730 Air-Cooling Spare Pipe Under Harbor	HPFF	115	0	2002	Present	EPC
4	New England Power Company	NEPC - Capacitor Bank Connection	XLPE	69	350	2002	2002	EPC
5	National Cooperative Refinery Association	NCRA - Two 34.5 kV Underground Circuits	EPR	35	14,600	2002	Present	D
6	Central Maine Power	Union Street Substation to Cape Substation 115kV cable System	HPFF	115	7,200	2001	2001	D, S
7	Entergy	Route Study for 115kV Cable System	XLPE	115	7,800	2001	2002	D, S
8	Jacksonville Electric Association	South Side Substation	HPFF	138	3,600	2001	2002	D, S
9	Lower Colorado River Authority	138kV extruded dielectric cable system under Travis Lake	XLPE	138	7,500	2001	2002	D, S
10	Lower Valley Energy	Snake River Ranch 138kV Cable System	XLPE-HPFF	138	31,680	2001	Present	D, S
11	Pacific Gas & Electric	N.E. San Jose	XLPE	230	63,360	2001	Present	EPC, S
12	Pacific Gas & Electric	Tri-Valley 230kV Cable Project	XLPE	230	84,480	2001	Present	D, S
13	R. S. Cogen	Riverside 69kV Cable System	EPR	69	1,100	2001	2002	D
14	United Illuminating	Q-Bridge	SCOF	115	2,100	2001	Present	D, S
15	United Illuminating	Q-Bridge	HPFF	115	4,500	2001	Present	D, S
16	WEPCO Lakeside Substation Replacement Project	Retire Lakeside Substation. Reroute existing HPFF Circuits out of Lakeside Substation to Norwich Substation and East Norwich Terminal	HPFF	115	1,200	2001	2002	D
17	Fredrickson Power	Design and construction of a extruded dielectric cable system	XLPE	230	5,100	2001	Present	EPC
18	Tanaska	Fredrickson	XLPE	230	5,100	2000	2001	D
19	Florida Power Corporation The Villages Project	Design of XLPE system from Dallas Sub to west riser.	XLPE	69	13,400	2000	2001	EPC
20	Hawaiian Electric Company Kewalo-Convention Center -Kamaku	Construction management for installation of an extruded dielectric cable system.	XLPE	138	10,500	2000	2000	C

Black & Veatch Engineering Experience Underground Power Transmission Projects

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Number of Projects	Client/Project Name	Project Description	Cable Type	Voltage (kV)	Circuit (Feet)	Year starting	Year end	Scope of Services
21	Platte River Power Authority Boyd Lake 115 kV UG	Design of extruded dielectric cable system	XLPE	115	4,800	2000	Present	D, C
22	Platte River Power Authority Longmont 115 kV UG	Design of extruded dielectric cable system	XLPE	115	8,000	2000	Present	D, C
23	Public Service of Colorado Lacombe Project	Design of extruded dielectric cable system	XLPE	230	1,500	2000	Present	D
24	Public Service of Colorado West Boulder Underground Relocation Project	Design of extruded dielectric cable system	XLPE	115	1,300	2000	Present	D
25	City of Lakeland, Florida Robson Street	Design of extruded dielectric cable system	EPR	69	2,650	1999	2000	D
26	Energy Woodlands	Cost estimate for extruded dielectric cable system	XLPE	115	15,050	1999	1999	S
27	GPU Energy West Wharton to Sugar Loaf	Overhead to Underground Conversion Project - Conceptual Design Double Circuit XLPE Cable	XLPE	115	7,400	1999	1999	S
28	Hawaiian Electric Company Archer-Kewalo	Construction management for installation of an extruded dielectric cable system.	XLPE	138	5,280	1999	1999	C
29	Nevada Power Company Aladdin Project	Study to convert existing overhead T-line to underground	XLPE	69	1,500	1999	1999	S
30	Orlando Utilities Commission Grant-Robinson 115 kV Line Addition	Design a double circuit XLPE duct system and install a single circuit from Robinson Sub to 5-1618 riser structures.	XLPE	115	7,100	1999	Present	D
31	The United Illuminating Co. Bridgeport Harbor Place Underground Relocation Project	Relocate existing double circuit high-pressure gas-filled pipe-type cable transmission line	HPPT	115	2,700	1999	Present	D
32	WEPCO Downtown Milwaukee Reliability Phase 1 Project	Design of 115 kV high pressure pipe type cable systems for transformer reconnects and existing T-Line reroutes at Haymarket & Harbor Substations	HPPT	115	4,180	1999	2001	D

Black & Veatch Engineering Experience Underground Power Transmission Projects

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Number of Projects	Client/Project Name	Project Description	Cable Type	Voltage (kV)	Circuit (Feet)	Year starting	Year end	Scope of Services
33	WEPCO Downtown Milwaukee Reliability Phase 2 Project	Design of 115 kV high pressure pipe type cable systems for existing underground T-Lines and three new underground T-Lines within city streets.	HPPT	115	50,350	1999	Present	D
34	Clark Public Utilities - Washington Lady Island - Runyan 115 kV Line	Design of 2000 kcmil extruded dielectric system	XLPE	115	5,800	1998	1998	D, S
35	Entergy Orange, Texas	Cost estimate for conversion of overhead 69 kV T-Line to underground	XLPE	69	1,250	1998	1998	S
36	Entergy Behrman - Port Nickel	Cost estimate for extruded dielectric cable system (submarine cable)	XLPE	115	2,800	1997	1997	S
37	Entergy Hot Springs Airport Relocation	Cost estimate for extruded dielectric cable system	XLPE	115	1,500	1997	1997	S
38	Kingdom of Saudi Arabia Shoiba Phase 2 Desalination Plant	Procurement of extruded dielectric cable system	XLPE	400	6,560	1997	1997	P
39	Kingdom of Saudi Arabia Shoiba Phase 2 Desalination Plant	Procurement of extruded dielectric cable system	XLPE	110	6,560	1997	1997	P
40	Nevada Power Company Caesars Palace Project	Double circuit transmission line tap project	XLPE	138	700	1997	1997	EPC
41	Public Service of Colorado Denver West Project	Provided technical assistance in procurement of extruded dielectric cable system	XLPE	138/230	11,800	1997	1997	D
42	City of Colorado Springs, Colorado Drake - Cottonwood	Design of 115 kV duct bank	XLPE	115	68,250	1996	2000	D, S
43	City of Wyandotte Wayne Co. Wastewater Treatment Plant Project	Design of double circuit extruded dielectric cable system	XLPE	69	5,800	1996	1996	D
44	CMS Energy LaPlata Cogeneration Project	Design of extruded dielectric cable system	XLPE	132	6,060	1996	1996	D, P, C
45	COCO Map Ta Phut Cogeneration Plant Phase III Project	Design of extruded dielectric system in tunnel	XLPE	118	1,580	1996	1996	D

Black & Veatch Engineering Experience Underground Power Transmission Projects

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Number of Projects	Client/Project Name	Project Description	Cable Type	Voltage (kV)	Circuit (Feet)	Year starting	Year end	Scope of Services
46	Energy Michoud - Claiborne	115 kV Underground Transmission Line Feasibility Study	XLPE	115	9,500	1996	1996	S
47	Louisville Gas & Electric Waterfront Development	Design of pipe-type cable systems	HPPT	138/69	13,200	1996	1997	D, C
48	Maui Electric Company Malacca - Lahaina 69 kV Project	Design of 69 kV extruded dielectric cable system	XLPE	69	1,000	1996	1996	D, C, S
49	Nevada Power Company Hacienda Underground Relocation Transmission Line Project	Design of double circuit extruded cable system	EPR	69	4,500	1996	1997	D, C
50	Platte River Power Authority Rogers Road 115 kV UG	Design of extruded dielectric cable system	XLPE	115	11,000	1996	1997	D, C, S
51	Port Klang Tenaga Nasional Berhad	Design of 132 kV extruded dielectric cable system	XLPE	132	8,200	1996	1996	EPC
52	Tambak Lorok Phase II Perusahaan Umum Listrik Negara	Design of 154 kV extruded dielectric cable system	XLPE	154	9,850	1996	1996	EPC
53	Central Termoelectrica Buenos Aires, S.A Costanera Unit 5 Repowering Project	Design of self-contained liquid filled cable system	SCOF	220	1,200	1995	1995	D, C, P
54	City of Lakeland, Florida Palmetto-Lake Mirror	Design of extruded dielectric cable system	EPR	69	1,050	1995	1996	D, C
55	City of Lakeland, Florida Palmetto-Southwest	Design of extruded dielectric cable system	EPR	69	2,650	1995	1996	D, C
56	City of Lakeland, Florida Parker Street	Design of extruded dielectric cable system	EPR	69	4,225	1995	1996	D, C
57	Con Edison Dielectric Cable Compliance Plan	Compliance plan for dielectric fluid system maintenance and improvements	HPPT	138-345	N/A	1995	1995	S
58	Costonera 220 kV Unit 5	Design of self-contained liquid filled cable system	SCOF	220	1,200	1995	1995	D, P, C
59	Louisville Gas & Electric Waterfront Development	Cable System Selection Study	HPPT	138/69	14,400	1995	1995	S

Black & Veatch Engineering Experience Underground Power Transmission Projects

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Number of Projects	Client/Project Name	Project Description	Cable Type	Voltage (kV)	Circuit (Feet)	Year starting	Year end	Scope of Services
60	Nevada Power Company Clark County - Flamingo Pedestrian Separation Project	Budget estimate of 4 circuit duct bank.	XLPE	138	21,325	1995	1995	S
61	Pusat Peleayanan Enjiniring Tambak Lorok Combined Cycle Power Plant Block 2	Design of extruded dielectric cable system from GSU transformer to GIS substation	XLPE	150	3,200	1995	1995	EPC
62	Tampa Electric Co. Osceola - Studio	Permitting and design of extruded dielectric direct buried cable including 9 HDD	XLPE	69	22,700	1995	1996	D, P, C, S
63	Tenaska Washington Partners II, L.P. Frederickson Generation Project	Design of 230 kV pipe type cable system	HPPT	230	5,100	1995	1995	D,P
64	Tenga Nasional Berhad Port Klang Thermal Project	Design Extruded dielectric cable system to make internal connections within substation	XLPE	132	2,600	1995	1995	D, P, C
65	Vermont Electric Company South Hero to Milton Causeway Cable Project	Design of 115/230 kV pipe type cable system	HPPT	115	10,000	1995	1996	D, C
66	Brunei Department Electrical Service	Gadong Power Station Extension	XLPE	66	9,850	1994	1994	EPC, S
67	City of Colorado Springs, Colorado Drake - Cottonwood	Cable system selection study	XLPE- HPPT	115	79,200	1994	1994	S
68	Disney Company Anaheim, California	Study for underground transmission lines	HPPT	69/230	63,000	1994	1994	S
69	Jabatan Perkhidmatan Elektrik Kementeran Pembangunan Gadong Power Station	Design of extruded dielectric cable system to connect existing substations	XLPE	66	10,500	1994	1994	D, P, C
70	Karachi Electric Supply Corporation Bin Qasim Unit 6	Design 220 kV Self-contained Fluid Filled System (800mm ²)	SCOF	220	1,200	1994	1995	D, P, C
71	Karachi Electric Supply Corporation Bin Qasim Unit 6	Design 220 kV Self-contained Fluid Filled System (630mm ²)	SCOF	220	900	1994	1995	D, P, C

Black & Veatch Engineering Experience Underground Power Transmission Projects

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Number of Projects	Client/Project Name	Project Description	Cable Type	Voltage (kV)	Circuit (feet)	Year starting	Year end	Scope of Services
72	Karachi Electric Supply Corporation Bin Qasim Unit 6	Design of extruded dielectric cable system	XLPE	220	500	1994	1995	D, P, C
73	Nevada Power Company Desert Inn Project	Design of extruded dielectric cable system	XLPE	138	2,600	1994	1994	S
74	The United Illuminating Co. Meadowbrook Substation Line Tap	Design of high-pressure pipe-type cable system	HPPT	115	4,000	1994	1994	S
75	Vermont Electric Company	Submarine cable study	XLPE	115	10,000	1994	1994	S
76	Reedy Creek Improvement District Oseola Substation to Studio Substation	Design underground cable system to connect substations	EPR	69	21,650	1993	1993	D, C
77	City Public Service San Antonio, Texas	Study for underground transmission lines	N/A	138/345	N/A	1992	1992	S
78	City Public Service San Antonio, Texas Fern-Parsons	Design of high-pressure, pipe-type cable system	HPPT	138	5,800	1992	1992	D, C
79	EEA Development Corp. Bayonne	Design of high-pressure pipe-type cable system	HPPT	138	35,000	1992	1994	D
80	EEA Development Corp. Ridgefield	Design of high-pressure pipe-type cable system	HPPT	230	700	1992	1994	D
81	Egyptian Electricity Authority Cairo South	Design of self-contained liquid filled cable system	SCOF	220	1,200	1992	1992	D
82	Egyptian Electricity Authority Cairo South	Design of double circuit extruded dielectric cable system	XLPE	66	2,400	1992	1992	D
83	Hawaiian Electric Company WAI'AU-CIP H-1 Alignment	Cable system selection and design study	Various	138-345	23,000	1992	1992	S
84	Lower Colorado River Authority Austin, Texas	Feasibility and cost study for 138 kV cable service to City of Kerrville, Texas	N/A	138/69	N/A	1992	1992	S
85	Muang Thong Thani, Thailand Muang Thong Thai	Policy and master planning study of the electrical power system infrastructure requirements	XLPE	69	116,160	1992	1992	D, S

Black & Veatch Engineering Experience Underground Power Transmission Projects

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Number of Projects	Client/Project Name	Project Description	Cable Type	Voltage (kV)	Circuit (Feet)	Year starting	Year end	Scope of Services
86	National Power Development, Inc.	Study for underwater cable market in the United States	N/A	N/A	N/A	1992	1992	S
87	Perusahaan Umum Listrik Negara, Indonesia Suralaya Steam Power Plant	Site transmission for power plant station	N/A	150	4,300	1992	1993	D, S
88	Platte River Power Authority Adams Tunnel Cable Study	Existing 69 kV circuit upgrading study	HPPT	69	68,650	1992	1992	S
89	Pusat Peleayanan Enjiniring Tambak Lorok Combined Cycle Power Plant Block 2	Design of extruded dielectric cable system from GSU transformer to GIS substation	XLPE	150	3,200	1992	1992	EPC
90	San Diego Gas and Electric	Cable system selection study	XLPE-HPPT	230	32,000	1992	1992	S
91	Saudi Consolidated Electric Co. Jubail	Cable system study	SCOF	115	26,400	1992	1992	S
92	Southern Maryland Electric Cooperative	Design of extruded dielectric cable system (direct buried)	XLPE	69	5,280	1992	1993	D, C, S
93	Southern Maryland Electric Cooperative Lower Patuxent River 69 kV Crossing	Design of extruded dielectric cable system (submarine)	XLPE	69	5,280	1992	1993	D, C, S
94	Tampa Electric Co. Harbor Island Transmission Loop	Design of high-pressure pipe-type cable system	HPPT	138	9,000	1992	1994	D, C
95	City of Colorado Springs, Colorado	Technical assessment of undergrounding transmission line	N/A	115	N/A	1991	1991	S
96	City of Lakeland, Florida Drane Field-Winston	Design of extruded dielectric cable system	XLPE	69	400	1991	1992	D
97	City of Tacoma, Washington	City-wide transmission and distribution undergrounding study	XLPE	115/230	279,840	1991	1991	S
98	Hawaiian Electric Company Airport	Design of extruded dielectric cable system	XLPE	138	2,300	1991	1992	D, C, S
99	Hawaiian Electric Company H-3	Design of double circuit extruded dielectric cable system	XLPE	138	1,300	1991	1992	D, C, S

Black & Veatch Engineering Experience Underground Power Transmission Projects

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Number of Projects	Client/Project Name	Project Description	Cable Type	Voltage (kV)	Circuit (Feet)	Year starting	Year end	Scope of Services
100	Hawaiian Electric Company WAIU-CIP OR&L Alignment	Cable system design study	Various	138	12,000	1991	1992	S
101	Orlando Utilities Commission Indian River	Design of extruded dielectric cable system	XLPE	230	700	1991	1992	D, C
102	Orlando Utilities Commission Stanton	Design of extruded dielectric cable system	XLPE	230	600	1991	1992	D, C
103	The United Illuminating Co. Bridge Relocation	Harbor crossing study	HPPT	115/345	N/A	1991	1991	S
104	Baltimore Gas and Electric Harbor Crossing	Pipe-type cable system	HPPT	230	6,100	1990	1990	S
105	Orlando Utilities Commission Metro West	Design of high-pressure pipe-type cable system	HPPT	115	20,100	1990	1992	D, C
106	Sho-Me Power Corporation	River crossing feasibility study	XLPE-SCOF	161	1,320	1990	1990	S
107	Southern Maryland Electric Cooperative	River crossing study	XLPE	69/230	10,000	1990	1991	S
108	Texas-New Mexico Power	Feasibility study to place distribution and transmission lines underground	HPPT	138	N/A	1990	1990	S
109	The United Illuminating Co. Mill River-West River	Fluid return line routing study for pipe-type cable	HPPT	115	N/A	1990	1990	S
110	Vero Beach, Florida Power Plant	Design of extruded dielectric cable system (Substation get away)	EPR	69	800	1990	1990	D
111	Exxon Chemical Co.	Design of high-pressure pipe-type cable system	XLPE	230	8,500	1989	1990	D, C, S
112	Orlando Utilities Commission Greater Orlando Airport Authority	Design of high-pressure pipe-type cable system	HPPT	230	40,500	1989	1992	D, C, S
113	Orlando Utilities Commission	Basis for Design Document for a High-Pressure, Pipe-Type Cable System	HPPT	230	15,800	1988	1988	D
114	The United Illuminating Co. Grand Goffe	Design of high-pressure pipe-type cable system	HPPT	115	16,900	1988	1992	D, S

Black & Veatch Engineering Experience Underground Power Transmission Projects

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Number of Projects	Client/Project Name	Project Description	Cable Type	Voltage (kV)	Circuit (Feet)	Year starting	Year end	Scope of Services
115	Egyptian Electricity Authority	Procurement services for extruded dielectric cable system	XLPE	66	118,000	1987	1987	D, P
116	Omaha Public Power District	Design of high-pressure, pipe-type cable system and cable selection	HPPT	161	7,900	1987	1989	D, C, S
117	Vero Beach, Florida Indian River	Design of extruded dielectric cable system (submarine)	EPR	69	2,100	1987	1987	D, C
118	Vero Beach, Florida North River Crossing	Design of extruded dielectric cable system (duct bank)	XLPE	69	11,700	1987	1987	D
119	Vero Beach, Florida North River Crossing	Design of extruded dielectric cable system (submarine)	XLPE	69	1,800	1987	1987	D, C
120	Winfield, Kansas	Design of extruded dielectric cable system (duct bank)	XLPE	69	39,600	1987	1987	D
121	Winfield, Kansas	Design of extruded dielectric cable system (submarine)	XLPE	69	6,300	1987	1987	D
122	Vero Beach, Florida West Substation Bus-Tie	Design of extruded dielectric cable system	XLPE	69	700	1986	1986	D
123	Winfield, Kansas	Design of extruded dielectric cable system	XLPE	69	7,920	1986	1986	D
124	Royal Commission Saudi Arabia	Design of self-contained liquid filled cable system	SCOF	115	63,400	1982	1982	D
125	Missouri Power & Light Co. Downtown Jefferson City	Design of extruded dielectric cable system	XLPE	69	2,600	1980	1980	D
126	Royal Commission Saudi Arabia	Comparison study of extruded dielectric and self-contained liquid filled cable systems	SCOF- XLPE	115	N/A	1980	1980	S
127	Saudi Consolidated Electric Co.	Design of self-contained liquid filled cable system	SCOF	230	47,500	1979	1979	D
128	Iowa Power and Light Co. Vero Beach, Florida	Design of extruded dielectric cable system	XLPE	69	1,500	1976	1976	D
129	North Beach, Central Beach, and South Beach Substation Entrance	Design of extruded dielectric cable system	XLPE	69	8,100	1973	1974	D
130	Winfield, Kansas	Design of extruded dielectric cable system	XLPE	69	23,700	1973	1974	D

Black & Veatch Engineering Experience Underground Power Transmission Projects

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Number of Projects	Client/Project Name	Project Description	Cable Type	Voltage (kV)	Circuit (Feet)	Year starting	Year end	Scope of Services
131	Columbus and Southern Ohio Electric Co.	Design of extruded dielectric system	XLPE	138	3,300	1972	1972	D
132	Orlando Utilities Commission Indian River Plant to Orlando	Design of extruded dielectric cable system	XLPE	115	21,100	1972	1972	D, C
133	Austin Utilities	Design of extruded dielectric system	XLPE	69	200	1970	1970	D
134	Orlando Utilities Commission Various	Design of extruded dielectric cable system	XLPE	115	25,200	1970	1990	D, C
135	Independence, Missouri	Design of extruded dielectric cable system	XLPE	69	5,300	1968	1968	D, C
136	Orlando Utilities Commission Cross-Town Loop	Design of high-pressure pipe-type cable system	HPPT	115	31,700	1965	1965	D, C
137	Orlando Utilities Commission Michigan to Kaley	Design of high-pressure pipe-type cable system	HPPT	115	11,200	1964	1964	D, C
138	Orlando Utilities Commission America to Weber	Design of high-pressure pipe-type cable system	HPPT	115	10,300	1963	1963	D, C
139	Orlando Utilities Commission Weber to Country Club	Design of high-pressure pipe-type cable system	HPPT	115	10,150	1963	1963	D, C
140	Orlando Utilities Commission City Loop	Design of high-pressure pipe-type cable system	HPPT	115	10,500	1956	1956	D, C

Total Circuit Length = 399 miles

	Clark Public Utilities - Washington Lady Island - Runyan 115 kV Line	Overhead Transmission Line	OH	115	16,900	1998	1998	D, S
	Orlando Utilities Commission Indian River to Stanton	Overhead Transmission Line	OH	230	100,300	1992	1992	D, C
	City of Richmond, Indiana	Overhead Transmission Line	OH	138	26,400	1992	1992	D, P, C
	Alexandria, Egypt Alexandria Rehabilitation Project	Overhead Transmission Line & Distribution	OH/UG	110/20	528,000	1991- 1997	1997	D, C, S
	Alexandria, Egypt Standards Development	Overhead Transmission Line & Distribution	OU/UG	20	31,600	1994	1994	D

**Black & Veatch Engineering Experience
Underground Power Transmission Projects**

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Number of Projects	Client/Project Name	Project Description	Cable Type	Voltage (kV)	Circuit (Feet)	Year starting	Year end	Scope of Services
	New Smyrna Beach Utilities Commission Field Street to Southbeach (Submarine Cable)	?	?	25	1,050	1994	1994	D

ENGINEERING SERVICES AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 200____, by and between _____ ("Client"), _____ corporation, and **BLACK & VEATCH CORPORATION** ("B&V"), a Delaware corporation.

1. B&V warrants that it shall perform the services ("Services") for a certain fee ("Fee"), as more fully described in the attached Exhibit A. Such Services shall be performed in accordance with the standards of care and diligence normally practiced by recognized engineering firms in performing services of a similar nature. If, during the six month period following the earlier of completion or termination of the Services, it is shown there is an error in the Services caused solely by B&V's failure to meet such standards, and Client has promptly notified B&V in writing of any such error within ten (10) days of its discovery of same, B&V shall perform, at B&V's cost, such corrective engineering services within the original Scope of Services as may be necessary to remedy such error.
2. B&V shall maintain in force, during the period that Services are performed, workers' compensation insurance in accordance with the laws of the state having jurisdiction over B&V's employees who are engaged in the Services and employer's liability insurance with a limit of \$1,000,000 each occurrence. B&V also shall maintain commercial general liability with a limit of \$1,000,000 per occurrence and in the aggregate, automobile liability insurance with combined single limit of \$1,000,000 per occurrence, and professional liability insurance with an aggregate limit of \$1,000,000. The parties hereby waive all claims for property damage, and shall require their insurers to waive subrogation rights against the other party under any applicable policy of property insurance.
3. Subject to Section 4 below, B&V shall indemnify Client against any and all claims, demands and causes of action for injury to or death of persons or for damage to or destruction of property (other than property of Client) resulting solely from the negligent acts or omissions of B&V arising out of B&V's performance of the Services. Client shall indemnify B&V against any and all claims, demands and causes of action that may arise or result from any negligent act or omission of Client.
4. B&V's entire liability to Client for any and all claims, demands, causes of action, and damages of any kind whatsoever shall not exceed the compensation received by B&V under this Agreement.
5. During the performance of the Services, B&V may be supplied with, and required to rely upon, certain information and/or data provided by or through Client. It is agreed that B&V shall not be liable for the accuracy or verification of such information.
6. Client may, with or without cause, terminate the Services at any time upon ten (10) days written notice to B&V. In such case, B&V shall be paid costs incurred and fees earned to the date of termination and through demobilization, and neither party shall be entitled to any other compensation or damages from the other.
7. Except as provided in Section 1 above, B&V disclaims and Client waives all other express or implied warranties with respect to the Services, and specifically the implied warranties of merchantability, fitness for a particular purpose, course of dealing, and usage of trade. Neither party shall be responsible or held liable to the other party for special, indirect, incidental, punitive,

exemplary, or consequential damages, including, but not limited to, loss of profit or revenue, loss of opportunity, or business interruption.

8. The parties' rights, liabilities, responsibilities and remedies with respect to the Services shall be exclusively those set forth in this Agreement and are in lieu of any others available by law or otherwise.
9. Indemnification against, releases from, and limitations of liability and waivers of subrogation shall apply notwithstanding the fault, negligence (whether active, passive, joint or concurrent), strict liability or other theory of legal liability of the party indemnified, released or whose liability is limited and shall be effective to, and only to, the maximum extent allowable by law. In the event such provision is determined to exceed the maximum scope allowed by law, said provision shall be interpreted and enforced so as to preserve the indemnity, release or limitation to the maximum extent allowable.
10. Since B&V has no control over the labor, materials, or equipment furnished by others, or over the resources provided by others to meet project schedules, B&V's opinion of probably costs and of project schedules shall be made on the basis of professional experience and qualifications. B&V does not guarantee that proposals, bids or actual project costs will not vary from B&V's opinion of costs or that actual schedules will not vary from B&V's projected schedules.
11. This Agreement and the attached Exhibit A constitute the entire Agreement. No other representations of any kind, oral or otherwise, shall have any effect.
12. This Agreement shall be governed by the laws of the State of Kansas, without regard to its principles of conflicts of laws.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

BLACK & VEATCH CORPORATION

By: _____

Name: _____

Title: _____

(Client) _____

By: _____

Name: _____

Title: _____

EXHIBIT A

Pursuant to the terms and conditions of the Engineering Services Agreement executed and made effective as of the ____ day of _____, 200____, by and between _____ ("Client") and **BLACK & VEATCH CORPORATION** ("B&V"), Client hereby requests and B&V agrees to perform the following Services for the Fee hereinafter set forth.

A. Scope of Services:

B. Commencement Date:

C. Estimated Completion Date:

D. Cost of the Services (Fee):

E. Invoicing and Payment:

B&V shall invoice Client at the completion of the Services. Invoices are due for payment upon receipt. Client agrees to pay B&V a late payment charge of 1.5% per month on all undisputed invoice amounts remaining unpaid starting on the thirty-first (31st) day following the invoice date until paid in full.

This Exhibit A, together with any attachments hereto and the above referenced Agreement, constitute the complete understanding between the parties with respect to the Services specified herein. Terms and conditions contained in purchase orders, work orders or other documents issued by the Client with respect to the Services shall be of no force and effect. In the event of a conflict between this Exhibit and the Agreement, the terms of the Agreement shall prevail.

	B&V:	Client:
Initials:		
Date:		