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 IDAHO PUBLIC
 UTILITIES COMMISSION

Attorney for City of Eagle, Idaho

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE)
 APPLICATION OF UNITED WATER)
 INC., TO AMEND AND REVISE)
 CERTIFICATE OF CONVENIENCE AND)
 NECESSITY NO. 143)

Case No. UWI-W-06-04

**AFFIDAVIT OF
 BRUCE M. SMITH**

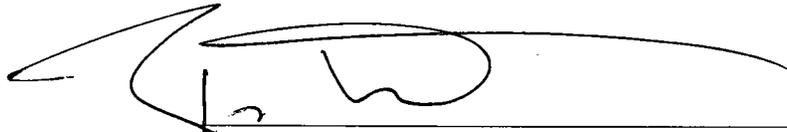
STATE OF IDAHO)
)ss.
 County of Ada)

BRUCE M. SMITH, being first duly sworn upon oath, deposes and says:

1. I serve as legal counsel for the City of Eagle in the above-captioned matter and I make this affidavit based upon my own personal knowledge and belief, unless otherwise stated.
2. Attached are true and correct copies of the following documents:
 - A. Ada County Ordinance 623, dated June 28, 2006, codified at Ada County Code § 9-2-3; and,

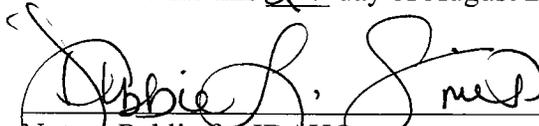
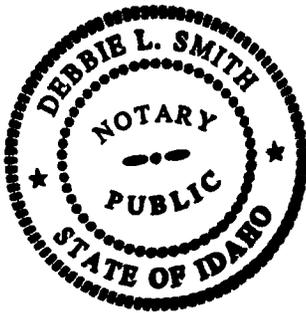
B. Eagle Comprehensive Plan, dated September 14, 2004, pages, 7-10, 15-17, and 54.

Dated this 24 day of August 2007.



Bruce M. Smith
Attorney for the City of Eagle

SUBSCRIBED AND SWORN to before me this 24th day of August 2007.



Notary Public for IDAHO
Residing at Bose, Idaho
My Commission Expires: 6/8/2013

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of August 2007 I served a true and correct copy of the foregoing document via the method indicated below to the following:

Dean J. Miller, Esq.
McDevitt & Miller LLP
420 West Bannock Street
PO Box 2564
Boise, ID 83701

- U.S. Mail, Postage Prepaid
- Hand Delivered
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Gregory P. Wyatt
United Water Idaho, Inc.
PO Box 190420
Boise, ID 83719

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- Hand Delivered
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Kastera LLC
15711 Highway 55
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- Facsimile

Jean Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
PO Box 83720
Boise, ID 83720-0074

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- Hand Delivered
- Overnight Mail
- Facsimile



Bruce M. Smith

9-2-3: APPLICABLE PLAN POLICIES AND ORDINANCES:

- A. The Eagle comprehensive plan, as amended by the city of Eagle, September 14, 2005, by resolution 04-15, shall apply within the Eagle area of city impact.
- B. Applications for subdivision development in the Eagle area of city impact shall be evaluated for conformance to the design and improvement standards contained in the Eagle city code, title 9, chapter 3, and in chapter 4, sections 9-4-1-1 through 9-4-1-12.
- C. All subdivision plats situated within the area of city impact shall be submitted to the city of Eagle for their recommendation.
- D. The Ada County zoning ordinance ¹ shall be used to implement this chapter.
- E. Ada County shall use the following standard in calculating density of residential development: The total number of dwelling units within a proposed development, divided by the total land area. Fractional amounts greater than those designated on the Eagle comprehensive plan land use map will not be allowed except where the Eagle comprehensive plan details a fractional density and then the density shall not exceed the number described in the Eagle comprehensive plan. Floodway areas and land used for public uses such as schools or public service facilities will not be included in the total land area calculation. (Ord. 99, 9-23-1980, eff. 10-3-1980; amd. Ord. 181, 9-24-1987; amd. Ord. 189, 4-21-1988; amd. Ord. 199, 5-25-1989; amd. Ord. 222, 6-28-1990; amd. Ord. 270, 1-13-1994; amd. Ord. 437, 12-12-2001; amd. Ord. 541, 6-7-2004; amd. Ord. 623, 6-28-2006)

CHAPTER 2

COMMUNITY DESIGN

2.1 Background

As a part of the review of the 2000 Comprehensive Plan the City of Eagle, held three public visioning sessions that asked the public to evaluate the “Built City” or tell the City well they were doing in managing a guiding development in the 2000 AOI. This study found that the City of Eagle, though stable and solidified in its vision to develop a city with a uniquely rural character, did not look to integrate alternative housing options within the AOI. This section will discuss the goals, objectives and implementation strategies related to Community Design, Neighborhoods and housing options.

2.2 Future Conditions

Over the next 20 years the City of Eagle is forecasted to experience high growth rates that without proper management and planning will impact the quality of life and housing options available to its residents. Rather than ignore the growth pressures that are currently shaping most Treasure Valley communities the City of Eagle is look at option to embrace housing alternatives and transit density while preserving the rural nature of the City.

2.3 Goals

Sustainability at build out (2025): Ensure the ability for the city to continue to fund, improve and support itself, including infrastructure and parks, without the use of building permit fees, impact fees and zoning fees.

Preserving Regional Transportation Corridors (State Highway 16 & 44): Preserve the function of regionally significant roadways through the City while ensuring compatibility with land uses and design standards of the City.

Identify “Activity Centers”: Identify areas that due to the nature of existing uses, future uses and/or transportation corridors will lend themselves to increased activity and non-residential use so to preserve larger areas as primarily residential neighborhoods.



2.4 Objectives

Work to accommodate the projected Eagle Planning Area population and the portion of the Northwest Rural Demographic population, located in the Eagle AOI, by 2025.

Provide residents of the City of Eagle and the Area of City impact opportunities to seek housing in a neighborhood of their choice.

Create a clearly identifiable community.

2.5 Implementation Strategies

- a. Provide increase residential density along the State Highway 44 and State Highway 20/26 corridors when accompanied by alternative access plans.
- b. Maintain a Vision Map that encapsulates the intent and opportunities contained in the Comprehensive Plan. **(See Map 2.1)**
- c. Provide housing opportunities within walking distance of future transit corridors.
- d. Create a City composed of neighborhoods in which basic amenities (schools, utilities, parks, and services) are accessible, visually pleasing, and properly integrated to encourage walking and cycling.
- e. Ensure that all commercial uses are designed to be compatible and context sensitive to residential uses and environmentally sensitive areas.
- f. Encourage the preservation and public access to open space through developments and as a rural design element of urbanizing areas.
- g. Ensure that commercial development is scaled appropriately to the intended user regional, community and neighborhood.
- h. Non-residential uses should be limited to designated areas and scaling and intensity of use should be paramount to the approval of these uses.
- i. Ensure that gateways are properly delineated and incorporated into development with landscaping, entry markers and place making features.
- j. Provide a variety of housing opportunities ranging from large lot residential to multi-family apartment uses.



- k. State Highway 44, State Highway 20/26, State Highway 16 and the proposed east west collector are designed as scenic corridors requiring landscaped setback and separated meandering sidewalks.

Illustration 2.1



Berming along Eagle Road (State Highway 55)

- l. Require that private and public open space be included in new multi-family developments and that they area larger enough to be used by all residents.
- m. Recognize the following gateways:
 - a. State Street and State Highway 16
 - b. Chinden Boulevard and the future State Highway 16 extension
 - c. State Highway 16 and the proposed east/west collector
 - d. Chinden Boulevard and Linder Road
- n. Elementary and middle schools should be located in residential neighborhood to facilitate walking and reduce busing costs for the district. Elementary and Middle schools may be located on collector roadways as defined by the Regional Functional Classification Map, High School maybe located on arterials.
- o. Prohibit the development of schools on sites that present a hazard, nuisance or other limitation on normal functions of the school.
- p. Establish a policy requiring annexation or a consent to annexation by the City of Eagle prior to development within the Eagle area of city impact.
- q. Identify a utility transmission corridor for all above ground utility



transmission lines in the City of Eagle and its Impact Area. Utility agencies shall be encouraged to relocate existing above ground transmission lines to the utility transmission line corridor. New substations should be encouraged to be within the corridor. (See Map 2.2)

- r. All non-transmission utility distribution within the City of Eagle should be underground.
- s. All urban development shall occur under the jurisdictional authority of the City and be connected to municipal services.

Illustration 2.2



Gateway Markers



4.5 Library

The City of Eagle currently funds and operates a municipal library district serving the incorporated City limits. The library board has identified the need for a branch library by 2015.

4.5.1 Library Goal

Support the safe the maintenance and construction of the public library system emphasizing quality library facilities that serve as a focal point for family and community activities.

4.5.2 Objective

Support the effort of the library to ensure adequate facilities are provided to the citizenry of Eagle.

4.5.3 Implementation Strategies:

Work with the library board to identify future needs and servicing areas.

Identify locations within the Village Center to locate a branch library facility.

Work with land owners, developers and the city to fund site acquisition and construction of library system expansions.

4.6 Domestic Water

Eagle Water Company, United Water Idaho (UWI) and the City of Eagle are the major domestic water providers in and around the City. A few residential subdivisions own and operate their own water systems and individual domestic wells are used in the City. The City contracts with UWI for the operation of the City's water system. A new contract with UWI is in the process of approval that provides for the continued contract operation of the City's water system. The City also has an agreement with UWI and approved by the Public Utilities Commission for UWI to provide fire and emergency storage.

In 2002, the City adopted a Water System Master Plan that defined existing and future service areas. That plan is currently undergoing revisions to meet the expanding service area and to include storage and major trunk lines from Linder Road to Highway 16, and from Homer Road to Highway 20/26.

4.6.1 Domestic Water Goals



Ensure a safe, reliable and cost-efficient water supply, distribution system and storage reservoir to support water demands of current users and projected demands of land development in accordance with the Eagle Comprehensive Plan.

Develop a groundwater supply and water storage system to provide for domestic, emergency, and fire flows that meet federal, state and local standards and the service demands of development. (See Map 4.3)

4.6.2 Objectives

Develop an interconnected water system owned and operated by the City.

Protect groundwater quality and conserve the natural groundwater resource.

Ensure water service shall provide a minimum of 40 psi and a maximum of 85-90 psi, and fire flows of 1,500 gallons per minute, in accordance with state requirements.

Promote the utilization and reuse of surface water sources for non-potable uses such as irrigation and water amenities.

Ensure that the cost of new and upgraded water facilities is borne by those who benefit from them.

4.6.3 Implementation Strategies

- a. Update the Water System Master Plan to delineate the requirements for trunk line, booster stations, pressure reducing stations, and storage system.
- b. Acquire additional lands sufficient for the construction of two 1.5-million-gallon water storage tanks.
- c. Develop well construction standard and guidance to assist developers with a cost-effective means of meeting water demands for individual systems. Assist with funding options to provide developers with various means of meeting standards for water supply systems.
- d. Require a separate water system for use of non-potable water, where available, for landscape irrigation and water amenities and to minimize reliance on groundwater for these uses.
- e. Work with other water service providers to maintain a safe and sufficient water supply across jurisdictional boundaries.



- f. Establish and maintain a Water Department and trained staff to meet the demands of water system operation in accordance with the State of Idaho, Department of Environmental Quality requirements and applicable federal law.
- g. Protect current residents from paying for service that principally benefits new development.
- h. Ensure all new development within the Western Planning Area connects to municipal water services.

4.7 Irrigation Water

The City of Eagle sets in an irrigated river valley partitioned by several major irrigation systems operated by irrigation districts or companies. These entities and the water resource they manage are an integral element in the development of greenscape that typifies the Boise River Valley. This resource and distribution network also provides significant recharge to the shallow ground water zone upon which many wells and water amenities depend.

4.7.1 Goals

Protect the existing irrigation system and increase use or reuse of the surface water resource for park, residential and commercial landscape irrigation and water amenities.

Maintain irrigation standards that promote the conservation and reuse of surface water.

4.7.2 Objective

Ensure that new development incorporates existing irrigation water for landscape irrigation and water amenities when water rights are available on-site or by means of appropriation or transfer.

Maintain surface water rights within general areas of use to ensure adequate supply for the enjoyment of amenities such as city parks and greenbelts.

4.7.3 Implementation Strategies

- a. Encourage policies such as the lining of ponds to maximize the use of water resources.



Cross Access Agreement

An agreement between adjacent property owners in which internal connections are provided between parking areas in order to improve traffic flow on the streets by minimizing the number of access points needed. Cross access agreements are typically incremental as a condition of approval for new development. The first one to develop will be required to make an irrevocable offer of cross access and design their site to accommodate future connections. When adjacent owner develop they will be conditioned to reciprocate with a similar cross access agreement.

Feathering

The process of transitioning density within a development while providing compatible lots sizes and lot boundaries.

Gateway

A major corridor or entry into the City of Eagle that will tend to create initial impression of the City for visitors. Gateway streets should be subject to enhanced design review standards such as signage, landscaping, architecture, and vehicular access.

Internal Circulation

The movement of traffic into and out of properties and local roadway systems without the need to enter onto arterials and regional roadway networks.

Limited Service Commercial

Uses that accommodate retail sales and services for the daily self sufficiency of local communities, ensuring that the intensity of limited commercial development is compatible with the character of the area with special concern to adjacent residential uses.

Limited Retail

Establishments providing retail services, occupying facilities of 10,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to the surrounding vicinity.

Minor Gateway

A collector or local street entering from an arterial into the City of Eagle that gives visitors a sense of place and feeling of entering Eagle. Minor gateways should provide limited elements to create a sense of place through landscaping, signage, or other design elements.

Municipal Services

Services, such as sewer water and library, owned and/or managed by the City of Eagle to property owners within or adjacent to the city.

