

**ORIGINAL**

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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 IDAHO INC., FOR )	Case No. UWI-W-07-01
AUTHORITY TO AMEND AND REVISE )	
CERTIFICATE OF PUBLIC CONVENIENCE )	<b>AFFIDAVIT OF SUSAN E.</b>
AND NECESSITY NO. 143 AND FOR )	<b>BUXTON IN SUPPORT OF THE</b>
APPROVAL OF A SPECIAL FACILITIES )	<b>CITY OF EAGLE'S PETITION</b>
AGREEMENT WITH AVIMOR LLC )	<b>TO INTERVENE</b>
)	
)	
)	
)	
)	

STATE OF IDAHO )  
 )ss.  
County of Ada )

SUSAN E. BUXTON, being first duly sworn upon oath, deposes and says:

- I serve as legal counsel for the proposed Intervenor in the above-captioned matter and I make this Affidavit based upon my own personal knowledge and belief, unless otherwise stated.
- A true and correct copy of the City of Eagle's Staff Report for Avimor LLC's Application for Comprehensive Plan Map Amendment to Establish a Designation of Foothills

Cluster and Foothills Conservation, CPA-10-06 and Avimor Sub-Area and map indicating the City of Eagle's water system extension are attached hereto and incorporated by reference herein as Exhibit A.

3. By submission of the application and map referenced in Exhibit A, Avimor LLC has agreed to limit the geographic area of their Special Facilities Agreement such that it does not extend westward of the area indicated in the map attached to said exhibit.

FURTHER YOUR AFFIANT SAITH NAUGHT.

MOORE SMITH BUXTON AND TURCKE CHTD

*Susan E. Buxton*

Susan E. Buxton, Of the Firm  
Attorneys for City of Eagle

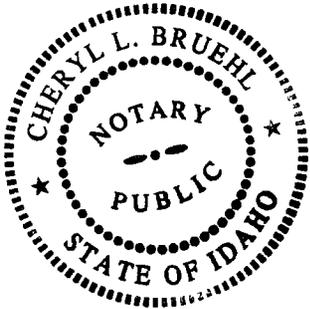
SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of May, 2007.

*Cheryl L. Bruehl*

Notary Public for IDAHO

Residing at Buse, Id

My Commission Expires: 03/27/13



**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> of May, 2007, I caused to be served, via hand delivery, true and correct copies of the foregoing document, to the following:

Jean Jewell, Secretary  
Idaho Public Utilities Commission  
472 West Washington Street  
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Susan E. Buxton  
Attorney for City of Eagle

# **EXHIBIT A**

**UPDATED—STAFF REPORT**  
**CITY OF EAGLE PLANNING & ZONING COMMISSION**  
**May 12, 2007**

**PROJECT:** Avimor- Avimor LLC.

**FILE NUMBER:** CPA-10-06

**OWNER:** First American Title Company (Trustee), confirmed by with the County Assessor  
7311 Potomac Drive  
Boise, ID 83704

**PROJECT REPRESENTATIVES:**  
Robert Taunton  
485 E. Riverside Drive, Suite 300  
Eagle, ID 83616

**APPLICATION SUMMARY:**

CPA-10-06-Comprehensive Plan Map Amendment to establish a Designation of Foothills Cluster and Foothills Conservation, Avimor, LLC: Avimor, LLC., represented by Robert Taunton, is requesting a Comprehensive Plan Map Text Amendment to include +/- 23,320 acres into the Eagle Comprehensive Plan designating the following land uses: +/- 7,100 acres Foothills Cluster Development (not to exceed 2 units per acre) and +/- 16,220 acres Foothill Conservation Development (1 unit per 40 acres). The +/- 22,675-acre site is generally located from Highway 55 on the east to Willow Creek Road via Big Gulch on the west, the northern boundary is approximately five (5) miles north of the Ada/Gem County line, the southern boundary abuts the Connolly and Kastera properties. Specifically described in the meets and bounds description on file at the City of Eagle.

**LOCATION:** The +/- 22,675 -acre site is generally located east and west of Highway 55 on the east to Willow Creek Road via Big Gulch on the west, the northern boundary is approximately five miles north of the Ada/Gem County line, the southern boundary about the Connolly and Kastera properties (see attached map).

**NOTICE:** Notice of Public Hearing on the application for the Eagle Planning and Zoning Commission was published in the Idaho Statesman on April 28, April 30, and Thursday May 3, 2007 in accordance for requirements of Title 67, Chapter 65, Idaho Code and the Eagle City ordinances. The site was posted in accordance with the Eagle City Code on April 28, 2007. Requests for agencies' reviews were transmitted on April 10, 2007 in accordance with the requirements of the Eagle City Code.

**ATTACHMENTS:** Application  
Site Maps  
Legal Description

Applicant Letter  
Preliminary City Engineer's Letter  
Agency Letters

**COMPREHENSIVE PLAN DESIGNATION:**

**Existing:** Agricultural/Rural Lifestyle/PC (Ada County Designation)

**Proposed:** +/- 7,100 acres Foothills Cluster Development (up to 1-2 units per acre)  
+/- 16,220 acres Foothill Conservation Development (up to 1 unit per 40 acres)  
Overall density not to exceed 2 units per acre.

**ZONING:**

**Existing:** Rural Residential (RR-County Designation)  
Rural Preservation (RP-County Designation)  
Planned Community (PC-County Designation)

**Proposed:** No Change Proposed

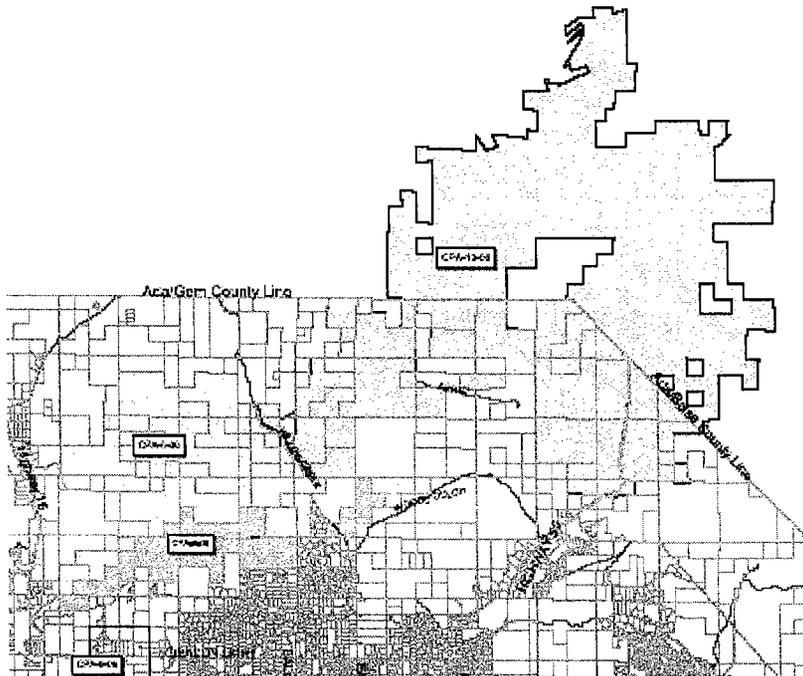
**REVIEWER:** Nichoel R. Baird Spencer, MCRP, AICP, Planner III *NBS 5/9/07*

**NOTES:** Unlike the M3 application (CPA-5-06) this application is for a comprehensive plan amendment only. Applications for Annexation, Rezone and development entitlements would require new public hearings.

**1: OVERVIEW OF APPLICATIONS & STANDARDS OF REVIEW:**

**COMPREHENSIVE MAP/TEXT AMENDMENT:**

The Avimor project area is located north of the existing area of City impact boundary adjacent to the proposed M3 site (CPA-5-06) and on both sides of State Highway 55 in Ada, Gem and Boise Counties. The property is also contained within the Eagle Foothills Planning area .



Though the proposed project is not currently within the City's Comprehensive Planning Boundary if CPA-8-06 & CPA-5-06 are approved the proposed area of consideration will be contiguous and available for annexation under Idaho Code Section 50-222. The applicant is requesting a maximum residential density of 1 unit per 2 acre gross, including the existing Avimor Development approved by Ada County in 2005. In addition to the overall residential density the applicant is requesting the following specific uses:

- +/- 7,100 acres Foothills Cluster Development (up to 1-2 units per acre)
- +/- 16,220 acres Foothill Conservation Development (up to 1 unit per 40 acres)

According to the Eagle Comprehensive Plan the following questions must be addressed in order to receive a comprehensive plan amendment:

- Pursuant to the "Comprehensive Plan Amendment" section (Chapter 13, Section 13.7 (c) (3)) within the 2000 Comprehensive Plan the applicant must show, "the condition or situation which warrants a change being made in the plan."
- The "Comprehensive Plan Amendment" section (Chapter 13, Section 13.7 (c) (4)) seeks to identify "the public benefit that would occur from such a change in the plan."
- The "Comprehensive Plan Amendment" section (Chapter 13, Section 13.7 (c) (5)) asks for "An explanation of why no other solutions to the condition or situation which warrants a change in the Plan are possible or reasonable under the current policies of the Plan".

## 2. PROCESS:

Normally, under Eagle City Code 8-7-5(F) within 45 days of the receipt of an application, the Planning and Zoning Commission would forward the Council its recommendation. Comprehensive Plan Amendment applications however, are legislative decisions for the City. The normal timelines associated with zoning applications under ECC 8-7-5 (F) do not apply. Staff has been working with the applicant to review information and bring forward the most complete application possible but, due to the size and complexity of the application, the Planning and Zoning Commission may need additional information from the applicant prior to making a recommendation on the application.

### 3. **CONDITIONS OF APPROVAL:**

A Comprehensive Plan Amendment is a legislative decision any concerns and or considerations that the Planning & Zoning Commission feel need to be addressed at the time of annexation and rezone should be contained within the language of the plan.

### 4. **AVIMOR COMPREHENSIVE PLAN OVERVIEW:**

The proposed site is +/-22,675 acres currently located approximately 2 miles north of the existing Eagle Area of City Impact along Willow Creek Road and State Highway 55. The property is located east of Willow Creek Road and both east and west of State Highway 55. The proposed application is described by the applicant as two new land use designations for the City. (pg 6-8, 4/26/07 applicant narrative)

**Foothills Cluster Development:** The purpose of the Foothills Cluster land use district is to create a land use district that allows clustering of development into neighborhoods and villages surrounded by and linked with open space areas. The Foothills Cluster land use district allows a full range of uses to be incorporated as allowed by the planned unit development standards. This area will provide trails, open space, and parks in conjunction with varied housing options and employment. The gross density of the district is 1 to 2 units per acre with the ability to cluster into higher net densities – comparable to the Avimor Specific Plan approval. (See Comprehensive Plan Amendment Map)

- a. **Uses:** The uses allowed in this district are broad enough to create a well-rounded community. Mixed-Use, Commercial, Village Center, and Business Park land uses would be allowed to help create the villages and reduce commuting. Approximately 35 percent of the Foothills Cluster Development district will be natural open space, formal parks, and trails. A variety of residential uses is allowed that would range from 1 to 15 units per acre net density while maintaining a gross density of 1 to 2 units per acre. The higher end of the densities would be in the village centers to support commercial and community services and truly minimize commuting. In village centers, 25 to 50 percent of the net acres would be residential uses.
- b. **Access:** Access to the villages, neighborhoods, and surrounding open space will be provided by a series of arterial connections. Access through Big Gulch will connect neighborhoods in the western portions of the property with Highway 55. In addition, a north/south connection will be made stretching from the southeasterly portion of the site to the north and the Pearl Road. These arterial connections will provide safety and convenience for the existing and future residents of the foothills.
- c. **Design:** The integration of varying lot sizes and uses should be planned with continuity of street design, open space, and trails throughout that area. Highway 55 should be designated as a minor gateway to the City of Eagle with appropriate landscaping, entry features, and place-making features integrated into the design of the area. A variation of lot sizes, configurations, and housing types shall be created to ensure an attractive neighborhood for a variety of households and to provide a variety of housing options within a single neighborhood or development.

**Foothills Conservation Development:** The purpose of the Foothills Conservation land use district is to allow for the protection of the land as large contiguous areas of open space, agricultural and conservation-oriented rural residential. The Foothills Conservation land use district becomes the major open space network through the foothills.

- d. **Uses:** The uses allowed in this district are limited to Public/Semi Public, Agriculture, and large-lot, conservation oriented residential uses such as Residential Rural and Residential Estates. Residential uses would be limited to a gross density of no more than 1 unit per

40 acres with the potential for clustering to smaller lot sizes. Dedicated open space, conservation easements, public recreational access easements, and regional trail systems will make up the majority of the Foothills Conservation Development area.

- e. Access: Access to the dispersed uses in this land use district such as agriculture and residential will be by individual or shared drives. The design of these would meet strict driveway standards specific to the foothills. Uses such as open space may require access drives to trailheads and recreational staging areas. These would meet the standards set forth in the Eagle Comprehensive Plan.
- f. Design: The protection of the rural character is the paramount design concern in this land use district. Strict hillside development and view protection guidelines, habitat management policies, and wildfire hazard management will be created to protect these resources.

The applicant is requesting an overall residential density of 1 unit per 2 acre gross, including the existing Avimor Development approved by Ada County in 2005. The inclusion into the City's comprehensive plan would allow for an annexation and rezone once it is contiguous to the City.

The proposal reflects the content of a Sub area plan within the City of Eagle outlining Goals, policies and objectives as well as detailing uses, access and design within the two new land use designations.

## **5. EVALUATION OF STANDARDS:**

The following section evaluates the application as it compares to the standards established in the Eagle Comprehensive Plan and Eagle City Code. (Applicant's response in **bold** and Staff *comments are in italics*)

### COMPREHENSIVE PLAN AMENDMENT:

The Eagle Comprehensive Plan establishes three findings that must be considered for the adoption of a Comprehensive Plan Amendment.

- Under the "Comprehensive Plan Amendment" section (Chapter 13, Section 13.7 (c) (3)) within the 2000 Comprehensive Plan the applicant must show, "the condition or situation which warrants a change being made in the plan."

**The Ada County Commissioners approved the Avimor Planned Community in February 2006. Experiences during that process and since have brought the viability of future planned communities in the foothills into question. The draft Ada County Comprehensive Plan, North Ada County Foothills Plan, and Ada County Open Space Plan are ambiguous about their support for planned communities. In spite of the desirability of presenting and considering the "big picture" concept, the county has a Planned Community ordinance that makes planning for large, multi-phased projects difficult. The verbal support for planned communities is not reflected in the proposed documents.**

**Eagle has reacted to this ambiguity in foothills planning by deciding to create its own visioning and planning process. SunCor agrees with the city's process for planning for the foothills and feels that the city's final product will provide clearer guidance and a just outcome for all the stakeholders. SunCor sees this application**

**for a comprehensive plan amendment as an opportunity to share information they have with the city, community, and other public agencies, as well as obtain initial feedback on the plan for the future of Avimor.**

*The Avimor property is currently located north of the City's planning boundaries and is a new area for consideration for the City to expand into. The City has, over the past three years, had concerns with urban style development occurring in unincorporated Ada County in the form of Planned Communities. Under the current Ada County Code, a planned community can occur anywhere within the unincorporated county when there is 640 acres located outside of an area of impact. Due to the large property ownerships in the Foothills north of the City, the City has begun the process of review development opportunities and constraints within this area to evaluate their impact on the existing city. It is staff's opinion that conditions have changed significantly since the adoption of the Soaring 2025 Plan in 2004 that the foothills area should be considered as a future unique development area within the probable boundaries of the City of Eagle.*

*The Draft Eagle Foothills plan would provide approximately 12,211 units or approximately 1 unit per 2 acres. See table below provided by the applicant:*

<b>Avimor Foothills Base Density From Eagle Plan</b>			
	<b>Acres</b>	<b>Density (units/acre)</b>	<b>Units</b>
<b>Unconstrained</b>	<b>9,085</b>	<b>1</b>	<b>9,085</b>
<b>Slopes 25% +</b>	<b>6,533</b>	<b>0.2</b>	<b>1,307</b>
<b>Floodway</b>	<b>364</b>	<b>0</b>	<b>0</b>
<b>Habitat</b>	<b>6,693</b>	<b>0.2</b>	<b>1,339</b>
<b>Total</b>	<b>22,675</b>	<b>0.517</b>	<b>11,731</b>
<b>Community &amp; Neighborhood Centers Adjustment factor:</b>	<b>C-150</b>	<b>(25% = 37.5 AC x 8)</b>	<b>300</b>
	<b>N-60</b>	<b>(50% = 30 AC x 6)</b>	<b>180</b> <b>480</b>
<b>SUBTOTAL</b>			<b>12,211</b>

*Per a letter dated August 16, 2006 from Ada County Development Services Director Gerry Armstrong, see attached, the minimum density of a planned community is 8 units per acre net (gross acres minus open space and parks) with this in mind taking the unconstrained acres and subtracting a 10% for developed park land (908.5 acres as currently required by Eagle City Code), assuming the constrained features (13,590 acres) would satisfy the any open space requirements, the **minimum** density of the Avimor holdings would be **65,412**, five (5) time more intensive than the proposed City of Eagle Plan and the applicant's request.*

- The “Comprehensive Plan Amendment” section (Chapter 13, Section 13.7 (c) (4)) seeks to identify “the public benefit that would occur from such a change in the plan.”

**The following public benefits for the City of Eagle and the surrounding community:**

- **Comprehensive planning for large land area in the foothills:** SunCor brings over +/- 22,675 acres of land forward for the comprehensive plan amendment. This provides the opportunity for the City of Eagle to review the entire plan in a regional context instead of relying on piecemeal applications where contextual analysis is difficult.
- **Neighborhood & Community Centers:** Instead of perpetuating a land use pattern of sprawling commercial areas as seen on Highway 44 east of Eagle, Avimor will promote the opportunity to cluster commercial and residential uses into centers, providing services and employment for residents and the surrounding area. This will reduce demands on the regional transportation system and impacts on existing neighborhoods.
- **Employment:** Instead of a merely residential development where landowners will likely work in neighboring communities, Avimor has planned for a greater jobs/housing balance. This will allow residents the opportunity to work within their community and minimize the amount of commuting. In addition, cooperative regional economic development planning may provide opportunities for significant employment and community education programs.
- **Diversity of housing product:** Avimor is designed to be a robust community, affordable to a range of household incomes. Varied housing products, lot sizes and configurations, and proximity to services will ensure this goal is met.
- **Quality design:** The design guidelines for Avimor will make certain a high quality of design and construction.
- **Protected open space for the purposes of recreation:** Currently, many community members use public and private property for personal recreational pursuits such as horseback riding, hiking, mountain biking, and hunting. Avimor will permanently protect several thousand acres of land as open space for recreational enjoyment as part of the larger regional system. Trails, parks, and access to unique geologic features such as the Rocky Canyon would be available to the public.
- **High environmental management standards:** In existing approvals for Avimor, SunCor has committed to many environmental management standards above regulatory requirements such as water conservation, effluent reuse and recharge, “no net loss” of habitat, permanent preservation of open space, and foothills-appropriate site design.
- **Protected wildlife habitat:** Wildlife habitat has been degraded by the use of much of the property as rangeland. By adoption of a “no net loss” policy on wildlife habitat, Avimor will ensure that wildlife habitat is actually improved by development through removal of ranching in development areas and habitat enhancement.
- **Infrastructure and service provision:** By working with local service providers, SunCor has committed to substantial infrastructure improvements and

**community service provision during the Avimor Specific Plan process. The plans for infrastructure and services allowed expansion to accommodate additional development. The economic analysis for the Avimor Specific Plan showed that the project not only mitigated impacts to existing infrastructure and services, but actually provided a net benefit to these organizations. In a regional context, the services and facilities in Avimor will provide opportunities for larger, more efficient systems across the foothills and in downstream valley areas.**

- Circulation: By allowing a connection through Big Gulch, Avimor will do its part in providing better east/west regional connections across the foothills. In addition, continual cooperation with ITD and ACHD will seek long-term solutions for state highway capacity improvements and funding that will provide a regional benefit for not only foothills residents, but also for Boise/Gem County commuters and recreation traffic. This is valuable for both the convenience and safety of existing and future residents and visitors to the area.**
- Trail connections: Currently, recreational users of the foothills area ride on roads or informally established paths throughout the property. All the while, these trails are in jeopardy of closure at the request of landowners. This haphazard use of the foothills degrades the environment by dispersing recreational users throughout the property and sensitive habitat. A more formalized system of trails through Avimor as a component of a regional system will ensure lasting availability of this open space as recreational lands and appropriate protection of sensitive habitat such as riparian areas and shrub cover.**
- Regional trailhead: Area residents currently use the Little Gulch area east of Willow Creek Road as a staging area for recreation. This use will be maintained in the Avimor Comprehensive Plan Amendment and future planning of Avimor.**

*The public benefit of the applicant's proposal is that it would allow for the City of Eagle to guide and review development that will impact the development design and infrastructure of the City (for land use, parks and interconnectivity). The Avimor property has limited existing roadway infrastructure with only two roads Highway 16 & Willow Creek Road supporting the +/-22,675 acre site.*

- The “Comprehensive Plan Amendment” section (Chapter 13, Section 13.7 (c) (5)) asks for “An explanation of why no other solutions to the condition or situation which warrants a change in the Plan are possible or reasonable under the current policies of the Plan”.

**Avimor is currently outside the area of impact for the City of Eagle. Therefore, the City's policies do not address the subject property. Without the inclusion of the Avimor property in the comprehensive plan, future annexation would be unlikely. The City of Eagle has indicated that they would prefer to participate and direct foothills development instead of reacting to what the county decides for the area.**

*The options for the developer are to develop in unincorporated Ada County in 10 & 40 acres parcels or file for a planned community application that may look similar or more intensive than*

*this application. Though City staff agree that the need to change the plan is warranted and the proposal is in keeping with the proposed Eagle Foothills Plan the extent of the change, land uses and intensities, are policy decision for the City Council.*

*By including all of Avimor's +/-22,675 acres into the Eagle Comprehensive Plan versus only the acreage within the Planning area west of Highway55, east of Highway 16 the potential units increases to 24,241 from 17,836 or approximately 6,400 units on 17,000 acre(1 unit per 3 acres), a 37% increase.*

<b>Foothills Base Density</b>			
	<b>Acres</b>	<b>Density (units/acre)</b>	<b>Units</b>
<b>Unconstrained</b>	21,265	1	21,265
<b>Slopes 25%+</b>	9,163	0.2	286
<b>Floodway</b>	210	0	0
<b>Habitat</b>	12,964	0.2	504
<b>BLM</b>	5,398	0	0
<b>Total</b>	<b>49,000</b>	<b>0.45</b>	<b>22,055</b>
<b>Community &amp; Neighborhood Centers Adjustment factor:</b>	<b>690.0</b>		<b>2186</b>

**Potential Units: 24,241**  
**Gross Density: 0.49**

<b>Foothills Base Density w/o Avimor Extra Area</b>			
	<b>Acres</b>	<b>Density (units/acre)</b>	<b>Units</b>
<b>Unconstrained</b>	12,965	1	12,965
<b>Slopes 25%+</b>	463	0.2	93
<b>Floodway</b>	210	0	0
<b>Habitat</b>	12,964	0.2	2,593
<b>BLM</b>	5,398	0	0
<b>Total</b>	<b>32,000</b>	<b>0.49</b>	<b>15,650</b>
<b>Community &amp; Neighborhood Centers Adjustment factor:</b>	<b>690</b>		<b>2,186</b>

**Potential Units: 17,836**  
**Gross Density: 0.56**

The applicant has addressed the high level policy issues regarding their conceptual development within the Foothills. The larger question to be addressed is how the proposal compares to the existing broad goals and policies within the Eagle Comprehensive Plan.

Purpose of the Eagle Comprehensive Plan is to promote the health, safety, and general welfare of the people of the City of Eagle and its Impact Area as follows (2000 Eagle

Comprehensive Plan 1.1)

- a. To protect property rights and enhance property values.
- b. To ensure that adequate public facilities and services are provided to the people at reasonable cost.
- c. To ensure that the economy of the City of Eagle and its Impact Area are protected and enhanced.
- d. To ensure that the important environmental features of the City and its Impact Area are protected and enhanced.
- e. To encourage urban and urban-type development within the incorporated city.
- f. To avoid undue concentration of population and overcrowding of land.
- g. To ensure that the development of land is commensurate with the physical characteristics of the land.
- h. To protect life and property in areas subject to natural hazards and disasters.
- i. To protect fish, wildlife, and recreation resources.
- j. To encourage local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.

Vision for the City of Eagle (2000 Eagle Comprehensive Plan 1.3):

- a. known as a highly livable town that successfully balances many of the rural elements of its heritage with growth;
- b. interconnected with user-friendly pathways and roadways;
- c. economically strong with a distinct downtown economic center;
- d. providing diversified employment and housing opportunities for all economic groups;
- e. an environmentally aware community with distinctive open space, parks and outdoor recreation;
- f. an economically strong city, that fosters local businesses and clean industry;
- g. a community committed to its support for children and families; and
- h. a unique community that maintains its rural residential feel in the midst of the Treasure Valley.

- i 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.
- j. 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.
- k. 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.
- l. Increased Employment Opportunities: Identify areas that will provide significant employment opportunities to the residents of the City of Eagle thereby allowing the City to be a place to live, work, and recreate.

**Policy questions to be considered:**

- 1) What density of residential uses should be planned for?

*The applicant is proposing the overall residential density of 1 unit per 2 acres with higher intensity areas located within clustered areas and “Center”. Staff supports this concept overall if the criteria in the policies of the Eagle Foothills plan applies to the location and sizing of these clusters and centers.*

- 2) Should residential density be calculated as a gross calculation or should non-residential uses be removed? The current plan excludes residential densities for commercial, office, open space and retail uses.

*The applicant is proposing that the density within the development be limited based upon the capability analysis they have completed for the site specifically slope and visibility, wildlife and, habitat. Providing for two density categories:*

***Foothills Cluster Development*** (up to 1-2 units per acre) –A new urban designation in this area

***Foothills Conservation Development*** (up to 1 unit per 40 acres) - Commensurate with the existing Densities within the area

*Staff supports the use of a graduated density system but would recommend designating the property as “Foothills Residential” as proposed in the Eagle Foothills Plan and using the terms of “Foothills Cluster” and “Foothills Conservation” within a sub-area text for the Avimor property. (See attached Sub-area text)*

- 3) How should the density in the Foothills relate to the overall density of the existing city?

Existing Eagle Comprehensive Plan Densities

2000Plan	1.04 units per acre gross
2025 Plan	1.80units per acre gross
Overall	1.26 units per acre gross

*The proposed density (1unit per 2 acres) is below that of the existing city but is it appropriate given the vision of the City of Eagle?*

- 4) Should the applicant be required to restrict or limit the uses within non-residential areas through the sub-area planning process similar to the Soaring 2025 Plan? The 2025 Plan within each sub –area discussed the desired mixture of uses and removed use that were less desirable or more intensive.

*Staff feels the identification of centers by the applicant, see attached map, has limited the types, intensity and location of non-residential uses on the site and is in keeping with the Community and Neighborhood centers as proposed within the draft Eagle Foothills Plan and sub-area text.*

- 5) Should the applicant delineate the acres/square feet of non-residential uses in the Mixed Use and Village Center areas? The Soaring 2025 Plan established 3 levels of commercial centers (neighborhood, community & regional. (Page 53 of 57 of the Western Area Plan)

*Staff feels the identification of centers by the applicant, see attached map, has limited the types, intensity and location of non-residential uses on the site and is in keeping with the Community and Neighborhood centers as proposed within the draft Eagle Foothills Plan and sub-area text.*

- 6) When should applicants enter into water MOU with the City and file for water rights with IDWR? Per Eagle City Code 6-5-23(c) as a condition of annexation and or development a land owner shall secure sufficient municipal water rights to serve the project.

*The applicant is proposing to split the water service area within the +22,675 acre area, see attached map. Current City Ordinance require that development within the City Connect to the City Water System unless otherwise specified clarification of the proposed service area should be addressed in the Eagle Municipal Water Master Plan.*

*Comprehensive Plan designations are guides for future development and do not provide entitlements for landowners. The City as directed by the Comprehensive Plan and City Ordinances will require through the re-zone process, via a development agreement, either proof of water availability or the process for establishing water availability prior to the platting of property.*

- 7) How should mass grading be regulated within the City? Currently the City of Eagle does not have a hillside development ordinance nor do we issue grading permits for development within the City.

*The adoption of hillside development and grading ordinances has been identified as implementation measure for the foothills plan. Since this is only an application for a comprehensive plan amendment any implementing ordinances that may result from the foothills plan would be applied to future rezones within the area.*

- 8) If “gross density” is used for comprehensive planning purposes how/when in the development process should the density of individual development areas be regulated? Should the Comprehensive plan address the relationship between land capability (floodway, slope, etc.) and density?

*Though the applicant is proposing a gross density calculation based upon two land use categories, Foothills Cluster and Foothills Conservation, the overall intensity of development is compatible with the constraints based approach within the Eagle Foothills Plan. The applicant has provided the following analysis that illustrates compliance with this standard:*

<b>Avimor Foothills Base Density From Eagle Plan</b>			
	<b>Acres</b>	<b>Density (units/acre)</b>	<b>Units</b>
<b>Unconstrained</b>	<b>9,085</b>	<b>1</b>	<b>9,085</b>
<b>Slopes 25% +</b>	<b>6,533</b>	<b>0.2</b>	<b>1,307</b>
<b>Floodway</b>	<b>364</b>	<b>0</b>	<b>0</b>
<b>Habitat</b>	<b>6,693</b>	<b>0.2</b>	<b>1,339</b>
<b>Total</b>	<b>22,675</b>	<b>0.517</b>	<b>11,731</b>
<b>Community &amp; Neighborhood Centers Adjustment factor:</b>	<b>C-150</b>	<b>(25% = 37.5 AC x 8)</b>	<b>300</b>
	<b>N-60</b>	<b>(50% = 30 AC x 6)</b>	<b>180</b>
			<b>480</b>
<b>SUBTOTAL</b>			<b>12,211</b>

- 9) Should the City regulate single family and multi-family uses at the comprehensive plan level? The 2000 Comprehensive Plan contains a zoning matrix which correlates to the zoning designations in ECC 8-1-2 which limit multifamily units in A-R through R-5.

*The drafting and adoption of specific foothills zones and Planned Unit Development Standards has been identified as implementation measure for the foothills plan. Since this is only an application for a comprehensive plan amendment any implementing ordinances that may result from the foothills plan would be applied to future rezones within the area.*

- 10) Should sub-area planning areas be regulated in size? Sub-planning areas were established in the Soaring 2025 Plan to enable the City to better discuss the integration of uses within specific areas of the City. The Soaring 2025 sub-planning areas were limited to approximately 2,000 acres.

*Staff requests that the applicant look to identify smaller sub-areas within their proposal for future specific plan and platting. Providing more detail as to the location and the mixture of uses and development intensities within "cluster areas and centers" in the Foothills Clustered Development designation. Further, identify the location of housing units within the Foothills Conservation Development area providing details about the size of lots and how the area will promote a "no net loss of habitat".*

- 11) How should the comprehensive plan direct open space preservation? During the Community Visioning the public expressed a desire for regional open space should conservation easements, dedication to the City, or HOA's be used to retain and manage open space?

*The applicant states that the intent of the designation is to "protected open space for the purposes of recreation: Currently, many community members use public and private property for personal recreational pursuits such as horseback riding, hiking, mountain biking, and hunting. Avimor will permanently protect several thousand acres of land as open space for recreational enjoyment as part of the larger regional system. Trails, parks, and access to unique geologic features such as the Rocky Canyon would be available to the public." How will this be done? How will large open space areas be maintained & Preserved for the benefit of habitat and wildlife? The applicant should draft sub-area policies to guide this intent. The Eagle Foothills plan establishes a minimum of 40% of the gross site area be dedicated as open space. Though the applicants proposal of "no net loss" achieves this the*

*applicant should illustrate their ability to meet the goals of the Foothills Sub-area and the Natural Features and Open Space Chapters.*

**STAFF RECOMMENDATION FOR THE CPA:**

Staff recommends approval of the proposed application and recognizes that the applicant has provided significant language to support their application and feels that a large portion of that language should be drafted into an "Avimor" sub-area, similar to those located within the Soaring 2025 Plan, with the broad goals and principles for the development included (see page 1 &2 of the applicant's letter). Further, within the sub-area smaller planning areas should be detailed delineating the overall land use, Foothills Cluster or Foothills Conservation, and providing and understanding of the intensity of residential and non-residential development as detailed within the Eagle Foothills Plan. *(See staff's recommend sub-area text)*

# Properties Included in City Planning for City Services & Annexation

- Parcels
- City Limits
- City Planning Areas & Municipal Service Area
- United Water Certified Area
- Area of Impact

