

Wayne A Nix

LESSEE.

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE,)

On this 16th day of August, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Dave Jett and Betty Manning, known to me to be the Mayor and City Clerk, respectively, of the City of Mountain Home, Idaho, a municipal corporation that executed the foregoing instrument or the persons who executed the instrument on behalf of said municipal corporation, and acknowledged to me that said municipal corporation executed the same.


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

Sus A. Mason
Notary Public for Idaho,
Residing at Mountain Home, ID
My commission expires: 02/09/02

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE,)

On this 10th day of August, 2001, before me, the undersigned, a Notary Public in and for said state, personally appeared WAGNE NIX, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

 Betty Manning
Notary Public for Idaho,
Residing at Mountain Home ID
My commission expires: 2-8-06

**PROPERTY DESCRIPTION FOR
ROW A HANGAR 9
MOUNTAIN HOME MUNICIPAL AIRPORT**

Beginning at the section corner common to Sections 26,27,34, and 35, T.3S., R.6E., B.M., Elmore County, Idaho;

Thence, S.89°40'27"E. 2653.89 feet to the quarter corner common to said Sections 27 and 34;

Thence, N.61°07'44" E. 1462.04 feet to the centerline of the southeast end of Runway 10/28 at the Mountain Home Municipal Airport;

Thence, ^N~~S~~.63°32'25"W. 1340.00 feet along the runway centerline to the intersection of Runway 10/28 and a perpendicular taxiway;

Thence, S.26°27'35"W. 487.50 feet along the centerline of the parallel taxiway to a point lying on the northerly edge of the existing aircraft parking apron;

Thence, S.63°32'25"E. 275.00 feet along the northerly edge of the parking apron to the northeast corner of said parking apron;

Thence continuing, S.63°32'25"E. 565 feet along the northerly parking apron edge, projected, to an iron pin marking the **REAL POINT OF BEGINNING**;

Thence, S.63°32'25"E. 70.00 feet to an iron pin;

Thence, S.26°27'35"W. 40.00 feet to an iron pin;

Thence, N.63°32'25"W. 70.00 feet to an iron pin;

Thence, N.26°27'35"E. 40.00 feet to the **REAL POINT OF BEGINNING**.

Contains 2800 square feet.

RESOLUTION NO. #17-2026R

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MOUNTAIN HOME, IDAHO, APPROVING THE LEASING OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF MOUNTAIN HOME AT THE MOUNTAIN HOME MUNICIPAL AIRPORT FOR SPACE FOR A HANGAR AND AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THE LEASE FOR THE HANGAR SPACE.

WHEREAS, the City owns property at the Mountain Home Municipal Airport that has been dedicated and set aside for the construction of aircraft hangars to encourage the use of the airport and which property is not used or needed for any other City purpose and will not be needed for any other City purpose in the foreseeable future, and,

WHEREAS, the City desires to enter into the Lease for the aircraft hangar that is attached hereto and by this reference made a part hereof, NOW, THEREFORE;

BE IT HEREBY RESOLVED by the Mayor and Council of the City of Mountain Home, Idaho, as follows:

1. That the City of Mountain Home, Idaho, enter into the Lease attached hereto with the party as specified in the Lease, maintenance and use of an aircraft hangar at the Mountain Home Municipal Airport, upon the terms and conditions contained in said Lease.

2. That Mayor Rich Sykes and City Clerk Tiffany Belt be and they are hereby authorized and directed to execute and attest, respectively, on behalf of the City of Mountain Home, Idaho, the Lease for the aircraft hangar space that is attached hereto.

PASSED by the City Council of the City of Mountain Home, Idaho, on the 12th day of May 2026.

APPROVED by the Mayor of the City of Mountain Home, Idaho, on the 13th day of May 2026.

Rich Sykes, Mayor

ATTEST:

Tiffany Belt, City Clerk

April 20, 2026

To the Mayor and City Council
City of Mountain Home, Idaho
P.O Box 10
Mountain Home, ID 83647

The purpose of this letter (the Engagement Letter) is to confirm our understanding of the terms and objectives of our engagement and the nature of the services we will provide to City Mountain Home, Idaho (the City).

Services and Related Report

We will audit the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City of Mountain Home, Idaho as of and for the year ended September 30, 2026. Upon completion of our audit, we will provide the City with our audit report on the financial statements and supplementary information. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. If we conclude that a modification to our opinion on the financial statements is necessary, we will discuss the reasons with you in advance. If, for any reasons we are unable to complete the audit or are unable to form, or have not formed, an opinion on the financial statements or if we determine in our professional judgment the circumstances necessitate, we may withdraw and decline to issue a report as a result of this engagement. If this occurs, we will communicate the reasons and provide you details of any misstatements identified during the audit.

Our Responsibilities

The objective of a financial statement audit is the expression of an opinion on the financial statements. The objective also includes reporting on:

- Internal control related to the financial statements and compliance with laws, regulations and the provisions of contracts or grant agreements, noncompliance with which could have a direct and material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major federal programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations and the provisions of contracts or grant agreements that could have a direct and material effect on each major federal program in accordance with the Single Audit Act Amendments of 1996 and Title 2 *Code of Federal Regulations, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance)*.

These standards require that we plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Municipality or to acts by management or employees acting on behalf of the City. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS) will always detect a material misstatement when it exists. A misstatement is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user based on the financial statements.

1120 S Rackham Way, Suite 100, Meridian, ID 83642

Ph: (208) 333-8965

sorren.com

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states: (i) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control or on compliance, and (ii) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

We will be responsible for performing the audit in accordance with U.S. GAAS and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the Single Audit Act Amendments of 1996, and the Uniform Guidance, and will include tests of accounting records and other procedures we consider necessary to enable us to express such opinions and to render the required reports.

We also will provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with laws, regulations and the provisions of grant agreements, non-compliance with which could have a material effect on the financial statements, as required by *Government Auditing Standards*.

As part of an audit in accordance with U.S. GAAS and *Government Auditing Standards* we exercise professional judgment and maintain professional skepticism throughout the audit. We will also:

1. Identify and assess the risks of material misstatement of the financial statements and supplementary information, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
2. Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. We will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements and supplementary information that we have identified during the audit. We will also inform you of any other matters involving internal control, if any, as required by *Government Auditing Standards* and the Uniform Guidance.
3. Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements and supplementary information, including the disclosures, and whether the financial statements and supplementary information represent the underlying transactions and events in a manner that achieves fair presentation.
4. Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal controls, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards*. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting waste or abuse. Our audit will include examining, on test basis evidence supporting the amounts and disclosures in the financial statements and supplementary

information, assessing accounting principles used and significant estimates made by management, and evaluating the overall financial statements presentation.

Our audit does not relieve management or those charged with governance of their responsibilities. Our audit is limited to the period covered by our audit and does not extend to any later periods during which we are not engaged as auditor.

The audit will include obtaining an understanding of the City and its environment, including internal controls, sufficient to assess the risks of material misstatement of the City financial statements and supplementary information and to determine the nature, timing and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management or those charged with governance internal control matters that are required to be communicated under professional standards. We will also inform you of any other matters involving internal control, if any, as required by *Government Auditing Standards*.

Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the City financial statements and supplementary information and to preventing and detecting misstatements resulting from illegal acts and other non-compliance matters that have a direct and material effect on the financial statements and supplementary information. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material non-compliance with compliance requirements applicable to each major federal program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control over compliance issued pursuant to the Uniform Guidance.

Also, if required by *Government Auditing Standards*, we will report known or likely fraud, illegal acts, violations or provisions of contracts or grant agreements, or abuse directly to parties outside of the City.

As part of obtaining reasonable assurance about whether the City financial statements and supplementary information are free of material misstatement, we will perform tests of the City's compliance with the provisions of applicable laws, regulations, contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether you have complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of test of transactions and other applicable procedures described in the *Office of Management and Budget Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of those procedures will be to express an opinion on your compliance with requirements applicable to each of your major programs in our report on compliance issued pursuant to the Uniform Guidance.

We are also responsible for determining that those charged with governance are informed about certain other matters related to the conduct of the audit, including: (i) our responsibility under U.S. GAAS, *Government Auditing Standards* and Uniform Guidance, (ii) an overview of the planned scope and timing of the audit, and (iii) significant findings from the audit, which include: (a) our views about the qualitative aspects of your significant accounting practices, accounting estimates, and financial statement disclosures; (b) difficulties encountered in performing the audit; (c) uncorrected misstatements and material corrected misstatements that were brought to the attention of management as a result of auditing procedures; and

(d) other significant and relevant findings or issues (e.g., any disagreements with management about matters that could be significant to your financial statements and supplementary information or our report thereon, consultations with other independent accountants, issues discussed prior to our retention as independent auditors, fraud and illegal acts, and all significant deficiencies and material weaknesses identified during the audit). Lastly, we are responsible for ensuring that those charged with governance receive copies of certain written communications between us and management including written communications on accounting, auditing, internal controls or operational matters and representations that we are requesting from management.

We have identified the following significant risks of material misstatements as part of our audit planning:

1. Management override of controls; and
2. Improper revenue recognition due to fraud

Planning for the audit has not concluded and additional risks may be identified in addition to the above.

Management's Responsibilities

Our audit will be conducted on the basis that the City's management and, when appropriate, those charged with governance, acknowledge and understand that they have responsibility:

1. For identifying all federal and state awards received and understanding and complying with the compliance requirements;
2. For the preparation and fair presentation of the financial statements and supplementary information in accordance with accounting principles generally accepted in the United States of America.
3. For the design, implementation, establishment, and maintenance of effective internal controls relevant to the preparation and fair presentation of City financial statements and supplementary information that are free from material misstatement, whether due to fraud or error, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met;
4. For the design, implementation, and maintenance of effective internal controls over compliance that provides reasonable assurance that the City administers federal awards in compliance with the compliance requirements;
5. To provide us with:
 - a. access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements and supplementary information, such as records, documentation and other findings;
 - b. additional information that we may request from management for the purpose of the audit; and
 - c. unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
6. For identifying and ensuring that the City complies with the laws and regulations applicable to its activities;
7. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
8. Notifying us of all material weaknesses, including other significant deficiencies, in the design or operation of your internal control over financial reporting that are reasonably likely to adversely

affect your ability to record, process, summarize and report external financial data reliably in accordance with U.S. GAAP;

9. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
10. For informing us of any known or suspected fraud affecting the City involving management, employees with significant roles within internal control and others where fraud could have a material effect on the City financial statements; and
11. For the accuracy and completeness of all information provided.

Management is responsible for identifying and ensuring that the City complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations contracts or grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review before we begin fieldwork.

Management is responsible for identifying and ensuring that the City complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and non-compliance with provisions of laws, regulations contracts or grant agreements, or abuse that we report. Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed above. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits or studies. You are also responsible for providing management's views on our current findings, conclusions and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.

You are responsible for the preparation of the supplementary information in conformity with U.S. GAAP. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. You further agree to make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the representation letter that: (a) you are responsible for presentation of the supplementary information in accordance with U.S. GAAP; (b) that you believe the supplementary information, including its form and content, is fairly presented in accordance with U.S. GAAP; (c) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (d) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You are responsible for preparation of the schedule of federal and state awards (including notes and non-cash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. You also agree to make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in a written representation letter that: (a) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (b) that you believe the schedule of expenditures of federal awards including its form and content, is fairly presented in accordance with the Uniform Guidance; (c) that the

methods of measurement or presentation have not changed from those used in the prior year (or, if they have changed, the reasons for such changes); and (d) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of federal awards.

Management is responsible for: (i) adjusting the financial statements to correct material misstatements and for affirming to us in a management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period under audit are immaterial, both individually and in the aggregate, to the financial statements taken as a whole, and (ii) notifying us of all material weaknesses, including other significant deficiencies, in the design or operation of your internal control over financial reporting that are reasonably likely to adversely affect your ability to record, process, summarize and report external financial data reliably in accordance with U.S. GAAP. Management is also responsible for identifying and ensuring that the City complies with the laws and regulations applicable to its activities.

As part of our audit process, we will request from management, and, when appropriate, those charged with governance written confirmation concerning representations made to us in connection with the audit.

We will issue a written report upon completion of our audit of the City's financial statements.

Our report will be addressed to the City Council of the City. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

We also will issue a written report upon completion of our audit.

Required Supplementary Information

Accounting standards generally accepted in the United States of America provide for certain Required Supplementary Information (RSI) to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by [identify standard setting body] who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with U.S. GAAS. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Statements of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual for General Fund and all Major Special Revenue Funds
3. Schedule of Employer's Share of Net Pension Liability and Employer Contributions

Supplementary Information

Our report will include a paragraph that indicates that the supplementary information is presented for purposes of additional analysis and is not a required part of the basic financial statements. The supplementary information is the responsibility of management. We will not have audited the supplementary information and will provide an opinion on it in relation to the financial statements as a whole. The following supplementary information will accompany the basic financial statements:

1. Schedule of Expenditures of Federal Awards
2. Combining Non-major Fund Financial Statements

Content of Audit Opinion

If we conclude that a modification to our opinion on the financial statements and supplementary information is necessary, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form, or have not formed, an opinion on the financial statements and supplementary information, we may withdraw from the audit before issuing an auditors' report or we may disclaim an opinion on the financial statements and supplementary information. If this occurs, we will communicate the reasons and provide you details of any misstatements identified during the audit. *Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any subsequent peer review reports received during the period of the contract.

Use and Distribution of Our Report

The audit of the financial statements, supplementary information and the issuance of our audit opinion are solely for the use of the City and those to whom our report is specifically addressed to by us.

We make no representations of any kind to any third-party in respect of these financial statements and supplementary information and we accept no responsibility for their use by any third-party.

We ask that our name be used only with our consent and that any information to which we have attached a communication be issued with that communication, unless otherwise agreed to by us.

Reproduction of Auditors' Report

If reproduction or publication of our audit report (or reference to our report) is planned in an annual report or other document, including electronic filings or posting of the report on a website, a copy of the entire finalized document should be submitted to us in sufficient time for our review before the publication or posting process begins.

Management is responsible for the accurate reproduction of the financial statements, supplementary information, auditors' report and other related information contained in an annual report or other public documents (electronic or paper-based). This includes any incorporation by reference to either the full or summarized financial statements that we have audited.

We are not required to read the information contained in your website, or to consider the consistency of other information in the electronic site with the original document.

Practice Structure

"Sorren" is the brand name under which Sorren CPAs, P.C. and Sorren, Inc. and its subsidiary entities provide professional services. Sorren CPAs, P.C. and Sorren, Inc. (and its subsidiary entities) practice as an alternative practice structure in accordance with the American Institute of Certificate Public Accountants (AICPA) Code of Professional Conduct and applicable laws, regulations and professional standards.

Sorren CPAs, P.C. is a licensed independent CPA firm that provides attest services to its clients, and Sorren, Inc. and its subsidiary entities provide tax and business consulting services to their clients. Sorren, Inc. and its subsidiary entities are not licensed CPA firms. Our use of the terms “our firm” and “we” and “us” and terms of similar import, denote the alternative practice structure conducted by Sorren CPAs, P.C. and Sorren, Inc.

Sorren, Inc. has a contractual arrangement with Sorren CPAs, P.C. whereby Sorren, Inc. provides Sorren CPAs, P.C. with professional and support personnel and other support services to allow Sorren CPAs, P.C. to perform its professional services. From time to time, Sorren, Inc. may consult with Sorren CPAs, P.C. in the provision of services pursuant to this engagement. Client hereby consents to Sorren CPAs, P.C. sharing its client information with Sorren, Inc. in support of the services to be provided by Sorren, Inc. for the purpose of performing the Services for which Sorren, Inc. is engaged. Unless you indicate otherwise, your acceptance of the terms of this engagement shall be understood by us as your consent to make disclosures to Sorren, Inc. and its employees of confidential information that we may obtain in the course of our engagement.

As part of the alternative practice structure, Sorren CPAs, P.C. and Sorren, Inc. agree to comply with the AICPA Code of Professional Conduct, as applied to an alternative practice structure and applicable federal, state and local rules with respect to the confidentiality of client information. Accordingly, Sorren CPAs, P.C. and Sorren, Inc. will not disclose confidential client information without your consent, except that Sorren CPAs, P.C. and Sorren, Inc. shall be permitted to disclose confidential client information: (i) to any government agency or regulatory body to the extent and in the form or manner necessary or required to comply with any rule, regulation or order of such government agency or regulatory order, or (ii) pursuant to subpoena or other legal process.

Sorren CPAs, P.C. and Sorren, Inc. utilize appropriate safeguards, policies and procedures to maintain the confidentiality of confidential client information.

Proprietary Information

You acknowledge that proprietary information, documents, materials, management techniques and other intellectual property are a material source of the services we perform and were developed prior to our association with you. Any new forms, software, documents or intellectual property we develop during this engagement for your use shall belong to us, and you shall have the limited right to use them solely within your business. All reports, templates, manuals, forms, checklists, questionnaires, letters, agreements and other documents which we make available to you are confidential and proprietary to us. Neither you, nor any of your agents, will copy, electronically store, reproduce or make available to anyone other than your personnel, any such documents. This provision will apply to all materials whether in digital, “hard copy” format or other medium.

The City agrees that we may provide Sorren, Inc. with access to the City’s accounting, financial, and other records in our possession so that Sorren, Inc. can provide the City with any services it has engaged them to perform.

File Inspections

In accordance with professional regulations (and by our firm's policy), our client files may periodically be reviewed by practice inspectors and by other engagement file reviewers to ensure that we are adhering to our professional and firm's standards. File reviewers are required to maintain confidentiality of client information.

Governing Legislation

This engagement letter is subject to and governed by the laws of Idaho and will have exclusive jurisdiction in relation to any claim, dispute or difference concerning this engagement letter and any issue arising from it. Each party irrevocably waives any right it may have to object to any action being brought in those courts to claim that the action has been brought in an inappropriate forum or to claim that those courts do not have jurisdiction.

Time Frames

We will schedule the engagement based in part on deadlines, working conditions, and the availability of your key personnel. We will use all reasonable efforts to complete the engagement as described in this letter within the agreed upon time frames. However, we should not be liable for failures or delays in performance that arise from causes beyond our control, including the untimely performance by the City of its obligations.

Our audit planning is intended to begin in December 2026 with the audit fieldwork beginning in January 2027. The audit is expected to conclude with the issuance of our report in March 2027.

Estimated Fees

We estimate that our fees for the services previously outlined will be as follows:

Base audit procedures and financial statement preparation:	\$54,500
--	----------

Our fees are based upon the complexity of the work to be performed, timing of the engagement, experience level of the personnel required, and estimates of the professional time to complete the required services.

Additionally, our fees are dependent on the availability, quality, and completeness of the City's records and, where applicable, upon the City's personnel providing the level of assistance identified in the "prepared by client" request list distributed at the end of our planning work (e.g., City employees preparing confirmations and schedules we request, locating documents selected by us for testing, etc.). Should our assumptions with respect to these matters be incorrect, or should the condition of the records, degree of cooperation, or other matters beyond our reasonable control cause delay or require additional commitments by us beyond those upon which our estimated fees are based, we may adjust our fees and planned completion dates, and "Auditor" shall not be responsible for any consequences. If significant additional time is necessary, we will discuss it with management and arrive at a new fee estimate as soon as reasonably practicable.

If there is a significant transaction or new accounting issue that requires us to spend a substantial amount of time that was not anticipated in our fees, there may be additional billings. For instance, the above estimate does not include any fees for professional time that may be required to assist in the adoption of new accounting standards. Fees for any additional services will be established separately.

If our Agreement requires a retainer upon execution, you agree that the retainer will be earned as our professional time to complete the engagement is incurred. The retainer will be applied to the final billing, and any unused balance will be refunded at the end of the engagement.

We will bill you for our professional fees and out-of-pocket costs. Payment is due upon receipt. For administrative convenience, payment for our invoices may be made to Sorren CPAs, P.C. or a related Sorren entity as indicated on our invoices. If payment is not received within thirty (30) days, you will be assessed interest charges of 1.5% per month on the unpaid balance. You have thirty (30) days from the invoice date to review the invoice and to communicate to us, in writing, any disagreement with the charges, after which you waive the right to contest the invoice.

All outstanding invoices must be paid prior to the release of work-products specified in the Agreement.

We reserve the right to suspend or terminate our work for non-payment of fees. In the event that work is discontinued, either temporarily or permanently, as a result of delinquent or non-payment, we shall not be liable for any loss you may incur as a result of the work stoppage, including penalties and interest. In such cases, you assume all risk associated with your failure to meet any governmental or other deadlines.

Termination and Withdrawal

Either party may terminate this Agreement at any time and for any reason. If this Agreement is terminated before services are completed, you agree to pay all fees and expenses we incur through the effective date of termination.

Conflicts of Interest

If we, in our sole discretion, believe a conflict of interest has arisen affecting our ability to deliver services to you in accordance with either the ethical standards of our firm or the ethical standards of our profession, we may be required to terminate our services without issuing our work-product.

Costs of Responding to Government or Legal Processes

In the event we are required to respond to a subpoena, court order, government agency or other legal process for the production of documents and / or testimony relative to information we obtained and / or prepared during the course of this engagement, you agree to compensate us at our normal hourly rates for the time we expend in connection with such response, and to reimburse us for all of our out-of-pocket costs incurred.

Other Services

In addition to the audit services referred to above, we will, as allowed by the AICPA Code of Professional Conduct, perform non-attest services as required. Our non-attest services will encompass the following activities:

- We will also prepare or assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of the City in accordance with U.S GAAP based on information provided by you;
- We will provide adjusting or correcting journal entries;

On a periodic basis, as needed, we will meet with you to discuss your accounting records and the management implications of your financial statements and supplementary information. We will notify you, in writing, of any matters of which we believe you should be aware and will meet with you upon request.

You agree to provide the information necessary to complete these non-attest services on a timely basis and assume all management responsibilities relating to the non-attest services we provide. You will be required to acknowledge in the management representation letter the non-attest services we provided and that you have accepted responsibility for them. Further, you agree to oversee the non-attest services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them. You also agree to continue to make all management decisions and perform all management functions, including approving all journal entries and general ledger classifications when they are submitted to you and to establish and maintain internal controls, including monitoring ongoing activities related to the non-attest function.

Use of Information

It is acknowledged that we will have access to all personal information in your custody that we require to complete our engagement. Our services are provided on the basis that:

1. You represent to us that management has obtained any required consents for collection, use and disclosure to us of personal information required under applicable privacy legislation; and
2. We will hold all personal information in compliance with our Privacy Statement.

Third-Party Service Providers or Subcontractors

Sorren CPAs, P.C. may from time to time, and depending on the circumstances, use third-party service providers to assist with the services identified in this letter. We may share some or all of your information with these service providers, but we remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

In order to comply with 26 U.S.C. § 7216, 26 C.F.R. § 301.7216-3, and all other applicable laws and regulations for disclosing confidential financial information to a third-party, you are consenting to allow us to disclose all documents and information needed for the performance of our scope of services identified in the engagement letter, including confidential information, to our third-party providers, both inside and outside the United States for the purpose of providing assistance within the scope of our services.

If we disclose tax return information or other related financial information to a service provider located outside of the United States, we will use adequate data protection safeguards. The items may not be disclosed or used for any other purpose, except that may continue to disclose or use the items to the extent we have been retained to do so, or as otherwise required by law.

Your signature at the bottom of this engagement letter serves as your consent to Sorren CPAs, P.C.'s use and disclosure of your information as provided herein.

Records Management

Record Retention and Ownership

We will return any original records and documents you provide to us. Our copies of your records and documents are solely for our documentation purposes and are not a substitute for your own record-keeping obligations under any applicable laws or regulations.

Workpapers and other items created by us to support the delivery of our services are our property and will remain in our control. We will consider requests for copies of workpapers and other items created by us in accordance with the AICPA Code of Professional Conduct. Our workpapers will be maintained by us in accordance with our firm's record retention policy and any applicable legal and regulatory requirements. Our firm destroys workpaper files after a period of seven (7) years. Catastrophic events or physical deterioration may result in damage to or destruction of our firm's records, causing the records to be unavailable before the expiration of the retention period, as stated in our record retention policy.

Working Paper Access Requests by Regulators and Others

State, federal and foreign regulators may request access to or copies of certain workpapers pursuant to applicable legal or regulatory requirements. Requests also may arise with respect to peer review, an ethics investigation, the sale of your organization, or the sale of our accounting practice. If requested, access to such workpapers will only be provided under the supervision of firm personnel. Regulators may request copies of selected workpapers to distribute the copies or information contained therein to others, including other governmental agencies. If we receive such a request, we agree to inform you of it as soon as practicable unless we are prohibited from doing so by applicable laws or regulations. You may, within the

time permitted for our firm to respond to any request, initiate such legal action as you deem appropriate, at your sole expense, to attempt to limit the disclosure of information. If you take no action within the time permitted for us to respond, or if your action does not result in a judicial order protecting us from supplying requested information, we may construe your inaction or failure as consent to comply with the request.

If we are not a party to the proceeding in which the information is sought, you agree to reimburse us for our professional time and expenses, as well as the fees and expenses of our legal counsel, incurred in responding to such requests.

Summons or Subpoenas

All information you provide to us in connection with this engagement will be maintained by us on a confidential basis. If we receive a summons or subpoena which our legal counsel determines requires us to produce documents from this engagement or testify about this engagement, provided that we are not prohibited from doing so by applicable laws or regulations, we agree to inform you of such summons or subpoena as soon as practicable. You may, within the time permitted for our firm to respond to any request, initiate such legal action as you deem appropriate, at your sole expense, to attempt to limit discovery.

If you take no action within the time permitted for us to respond, or if your action does not result in a judicial order protecting us from supplying requested information, we may construe your inaction or failure as consent to comply with the request.

If we are not a party to the proceeding in which the information is sought, you agree to reimburse us for our professional time and expenses, as well as the fees and expenses of our legal counsel, incurred in responding to such requests.

Confidentiality

In providing services to you, we may require information that is considered confidential and may include Personally Identifiable Information (PII), i.e. information that can be used to distinguish or trace an individual's identity such as address, bank account and social security information. We will maintain all client information, including PII, on a confidential basis and have a duty to do so based on the standards promulgated by the AICPA as well as applicable laws and regulations. You assume the risk of loss if you provide us with information, including PII, which differs from the information we request in order to provide services to you in accordance with the Agreement.

Referrals

In the course of providing services to you, you may request referrals to products or professionals such as attorneys, brokers, or investment advisors. As a courtesy, we may identify professional(s) or product(s) for your consideration. However, you are responsible for evaluating, selecting, and retaining any professional or product and determining if the professional or product meets your needs. You agree that we will not oversee the activities of and have no responsibility for the work product of any professional or suitability of any product we refer to you or that you separately retain.

Non-Solicitation of Personnel

Professional standards require that a firm and its covered members maintain independence throughout the professional engagement period. In order to preserve our independence, you agree not to solicit for employment, directly or indirectly, any employee of Sorren CPAs, P.C. or Sorren, Inc. who is involved in performing services under this engagement for a period of two (2) years following the completion of such services. You shall inform the engagement partner before entering into any substantive employment discussions with any Sorren CPAs, P.C. or Sorren, Inc. personnel. Employment offers to any staff member working on your engagement without our prior knowledge may require substantial additional procedures to ensure our independence on this engagement. Any additional costs incurred due to these procedures will be fully billable in addition to our fee.

In the event you hire or engage any such employee during the term of this engagement or within two (2) years thereafter, you agree to pay Sorren, Inc. a placement fee equal to 50% of the employee's total annual compensation, including bonuses, at the time of departure from the Firm. This fee represents a reasonable estimate of the costs associated with recruiting, hiring and training a replacement. This provision does not restrict the employee's right to seek employment but is intended to protect Sorren, Inc. from the loss of personnel in whom the Firm has invested time and resources.

Limitations on Oral and Email Communications

We may discuss with you our views regarding the treatment of certain items or decisions you may encounter. We may also provide you with information through email. Any advice or information delivered orally or in an email (rather than through a memorandum delivered as an email attachment) will be based upon limited research and a limited discussion and analysis of the underlying facts. Additional research or a more complete review of the facts may affect our analysis and conclusions.

Due to these limitations and the related risks, it may not be appropriate to proceed with a decision solely on the basis of any oral or email communication from us. You accept all responsibility for any liability, including but not limited to additional tax, penalties or interest resulting from your decision: (i) not to have us perform the research and analysis necessary to reach a more definitive conclusion and (ii) to instead rely on oral or email communication. The limitation in this paragraph will not apply to an item of written advice that is a deliverable of a separate engagement. If you wish to engage us to provide formal advice on a matter on which we have communicated orally or by email, we will confirm this service in a separate agreement.

Brokerage, Investment Advisory or Digital Asset Statements

If you provide our Firm with copies of brokerage, investment advisor, or digital asset statements, we will use the information solely for the purpose described in the Engagement Objective and Scope section of this Agreement. We will not monitor transactions, investment activity, provide investment advice, or supervise the actions of the entity or individuals entering into transactions or investment activities on your behalf.

Disclaimer of Legal and Investment Advice

Our services under this Agreement do not constitute investment advice unless specifically engaged in the Engagement Objective and Scope section of this Agreement. Our services under this Agreement do not constitute legal advice.

Electronic Data Communication and Storage

In the interest of facilitating our services to you, we may send data over the Internet, temporarily store electronic data via computer software applications hosted remotely on the Internet, or utilize cloud-based storage. Your confidential electronic data may be transmitted or stored using these methods. In using these data communication and storage methods, our firm employs measures designed to maintain data security. We use reasonable efforts to keep such communications and electronic data secure in accordance with our obligations under applicable laws, regulations, and professional standards.

You recognize and accept that we have no control over the unauthorized interception or breach of any communications or electronic data once it has been transmitted or if it has been subject to unauthorized access while stored, notwithstanding all reasonable security measures employed by us. You consent to our use of these electronic devices and applications during this engagement.

Marketing and Educational Communications

If we send you newsletters, updates, explanations of technical developments or similar communications, it is strictly for marketing or general educational purposes and should not be construed as professional advice on which you may rely. These communications, by themselves, do not create a contractual relationship between us and you, a binding obligation for us to provide services to you, nor a requirement on our part to monitor issues for you.

Mediation

If a timely dispute arises out of or relates to this Agreement, including the scope of services contained herein, or the breach thereof, and if the dispute cannot be settled through negotiation, the parties agree first to try to settle the dispute by mediation administered by the American Arbitration Association (the AAA) under the AAA Accounting and Related Services Arbitration Rules and Mediation Procedures before resorting to arbitration, litigation, or any other dispute resolution procedure. The mediator will be selected by mutual agreement of the parties. If the parties cannot agree on a mediator, a mediator shall be designated by the AAA. The mediation will be conducted in Idaho.

The mediation will be treated as a settlement discussion and, therefore, all discussions during the mediation will be confidential. The mediator may not testify for either party in any later proceeding related to the dispute.

No recording or transcript shall be made of the mediation proceedings. The costs of any mediation proceedings shall be shared equally by all parties. Any costs of legal representation shall be borne by the hiring party.

This provision shall not apply to any dispute of fees owed, billed or due.

Limitation of Liability

Sorren CPAs, P.C.'s owners, officers, director, employees, agents or assigns (collectively, Sorren's Stakeholders) liability for all claims, damages, and costs arising from negligent acts, errors, or omissions committed by us in the performance of this engagement is limited to one times the total amount of fees paid by you to Sorren CPA, P.C. for the service giving rise to this liability.

Limitation of Damages

Notwithstanding anything to the contrary in this Agreement, Sorren CPAs, P.C. and Sorren's Stakeholders shall not be liable for any lost profits, indirect, special, incidental, punitive, consequential, or similar damages, to the extent such damages may be lawfully limited or excluded, of any nature even if we have been advised by you of the possibility of such damages.

Indemnification of Sorren CPAs, P.C.

You agree to indemnify, defend, and hold harmless Sorren CPAs, P.C. and its stakeholders with respect to any and all claims made by third parties arising from this engagement, resulting from knowing misrepresentations by management to Sorren CPAs, P.C.

Independent Contractor

When providing services to your City, we will function as an independent contractor and in no event will we or any of our employees be an officer of you, nor will our relationship be that of joint venturers, partners, employer and employee, principal and agent, or any similar relationship giving rise to a fiduciary duty to you.

Our obligations under this Agreement are solely obligations of Sorren CPAs, P.C., and no Sorren Stakeholder shall be subjected to any personal liability whatsoever to you or any person or entity.

Severability

If any portion of this Agreement is deemed invalid or unenforceable, said finding shall not operate to invalidate the remainder of the terms set forth in this Agreement.

Survivability

The following sections shall survive termination of the Agreement: Limitation of Liability, Limitation of Damages, Indemnification, and Mediation.

Assignment, No Third-Party Beneficiaries

All parties acknowledge and agree that the obligations and responsibilities of this Agreement cannot be assigned to any third-party except as agreed to in writing. This Agreement has been entered into solely between you and Sorren, Inc., and no third-party beneficiaries are created hereby.

Force Majeure

Neither party shall be held liable for any delays resulting from circumstances or causes beyond our reasonable control, including, without limitation, fire or other casualty, act of God, strike or labor dispute, war or other violence, epidemics or pandemics as defined by The Centers for Disease Control and Prevention, or any law, order or requirement of any governmental agency or authority. However, no Force Majeure event shall excuse you of any obligation to pay any outstanding invoice or fee or from any indemnification obligation under this Agreement.

Electronic Signatures and Counterparts

Each party hereto agrees that any electronic signature intended to replicate a written signature, shall be presumed valid, and we may reasonably rely upon it. For purposes hereof, "electronic signature" includes, but is not limited to, a scanned copy of a manual signature, an electronic copy of a manual signature affixed to a document, a signature incorporated into a document utilizing touchscreen capabilities, or a digital signature. Documents may be executed in one or more counterparts, each of which shall be considered an original instrument, but all of which shall be considered one and the same agreement.

Entire Agreement

This Agreement represents the entire agreement of the parties and supersedes all previous oral, written or other understandings and agreements between the parties. Any modification to the terms of this Agreement must be made in writing and signed by both parties.

Other

Morgan Browning is the "engagement partner" for the audit services specified in this letter. The engagement partner's responsibilities include supervising Sorren's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Professional standards prohibit us from being the sole host and / or the sole storage of your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

Conclusion

This engagement letter includes the relevant terms that will govern the engagement for which it has been prepared. The terms of this letter supersede any prior oral or written representations or commitments by or between the parties. Any material changes or additions to the terms set forth in this letter will only become effective if evidenced by a written amendment to this letter, signed by all of the parties.

If you have any questions about the contents of this letter, please raise them with us. If the services outlined are in accordance with your requirements, and if the above terms are acceptable to you, please sign the copy of this letter in the space provided and return it to us.

We appreciate the opportunity of continuing to be of service to your City.

Yours truly,

Sorren CPAs, PC

Sorren CPAs P.C.

RESPONSE:

Acknowledged and agreed on behalf of the City of Mountain Home, Idaho by:

Treasurer's Signature

Mayor's Signature



Report on the Firm's System of Quality Control

March 3, 2025

To the Members of Harris CPAs and
the Peer Review Committee of the Nevada Society of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Harris CPAs (the firm) in effect for the year ended June 30, 2024. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under the *Government Auditing Standards*, including compliance audits under the Single Audit Act and audits of employee benefit plans.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Harris CPAs in effect for the year ended June 30, 2024, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency (ies)*, or *fail*. Harris CPAs has received a peer review rating of *pass*.

Presnell Gage, PLLC

**AMENDMENT NO. 9 TO TASK ORDERS 010, 011, 012, AND 032
AGREEMENT FOR
WATER, WASTEWATER, GENERAL ENGINEERING, AND DEVELOPMENT
REVIEWS SUPPORT**

Effective Date: April 15, 2026

Consultant Project No.: 214010

BACKGROUND: The City of Mountain Home (“Owner”) from time to time desires miscellaneous water, wastewater, general engineering, and development review support. Task Orders 10, 11, 12, and 32 were established for miscellaneous water, wastewater, general/transportation, and development review professional services in 2015. The budget amount was last updated in June 2024. This amendment is to cover anticipated general engineering support services for the next 12-24 months; however, this time may vary depending on City needs.

AMENDMENT: This amendment increases the total combined budget limit for these task orders by \$150,000 from \$550,000 to \$700,000.

In Witness Whereof, the parties hereto have executed this Task Order Agreement as of the day and year first above written.

OWNER: City of Mountain Home

CONSULTANT: Keller Associates, Inc.

Signature: _____

Signature:  _____

Name: Rich Sykes, Mayor

Name: James Bledsoe, Vice President

Date: _____

Date: 04/14/2026



P.O. Box 10 • Mountain Home, ID 83647
www.mountain-home.us

May 6, 2026

Subject: Golf Advisory Committee Recommendations

Meeting Date: May 12, 2026

Mayor and City Councilmembers,

The Golf Advisory Committee met on May 4, 2026, and discussed several operational items regarding the future management and operation of the City Golf Course. Following discussion, the Committee voted and approved the following recommendations for consideration by the Mayor and City Council:

1. Golf Pro Position

The Golf Advisory Committee recommends that the position of Golf Professional be established and hired as a City employee.

2. Pro Shop Operations

The Golf Advisory Committee recommends that the City own and operate the Golf Course Pro Shop under the guidance and expertise of the Golf Pro/Director of Golf.

3. ForeUp Software Adoption

The Golf Advisory Committee recommends that the City adopt the ForeUp Golf Management Software system for Golf Course operations, including tee time reservations, point-of-sale operations, and customer management.

These recommendations are respectfully submitted for review and consideration by the Mayor and City Council.

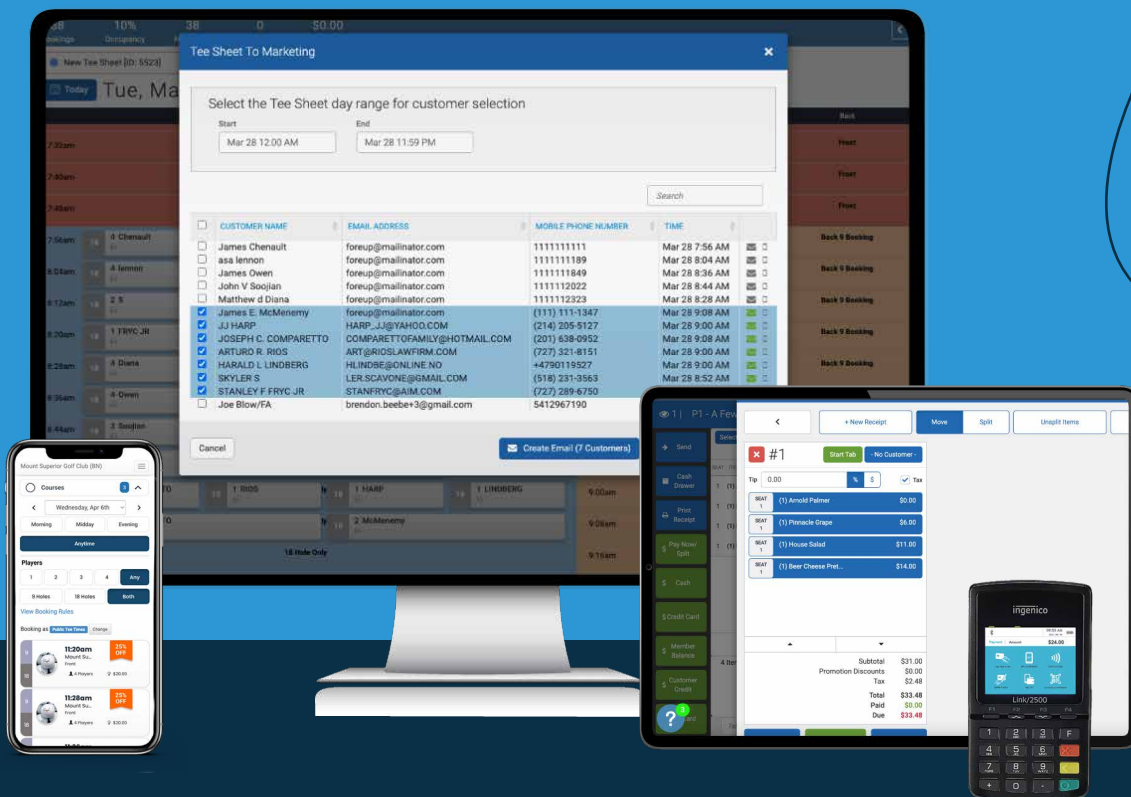
Thank you for your continued support of the Mountain Home Golf Course and the Golf Advisory Committee's efforts.

Respectfully submitted,

Golf Advisory Committee
City of Mountain Home

foreUP

Golf Software Proposal

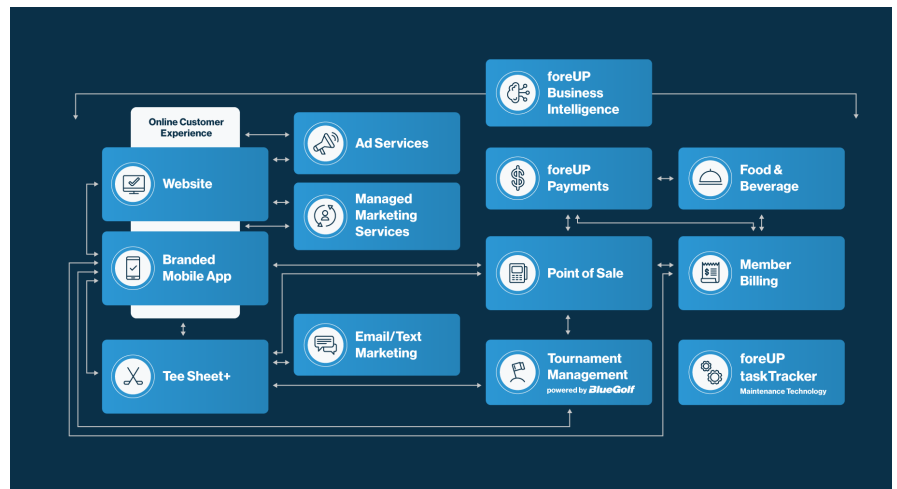




Who We Are

Smarter Golf Course and Club Management Software

Business is evolving, and you need software that keeps the pace. With foreUP, you get **modern software** as well as an **innovative, responsive technology partner**. Now you can simplify all your front and back office operations, while **delivering unparalleled guest experiences**. Welcome to business done better.



Power UP your course with foreUP's award-winning full suite of consolidated, comprehensive, cloud-based software.

Cutting-edge Tee Sheet Software

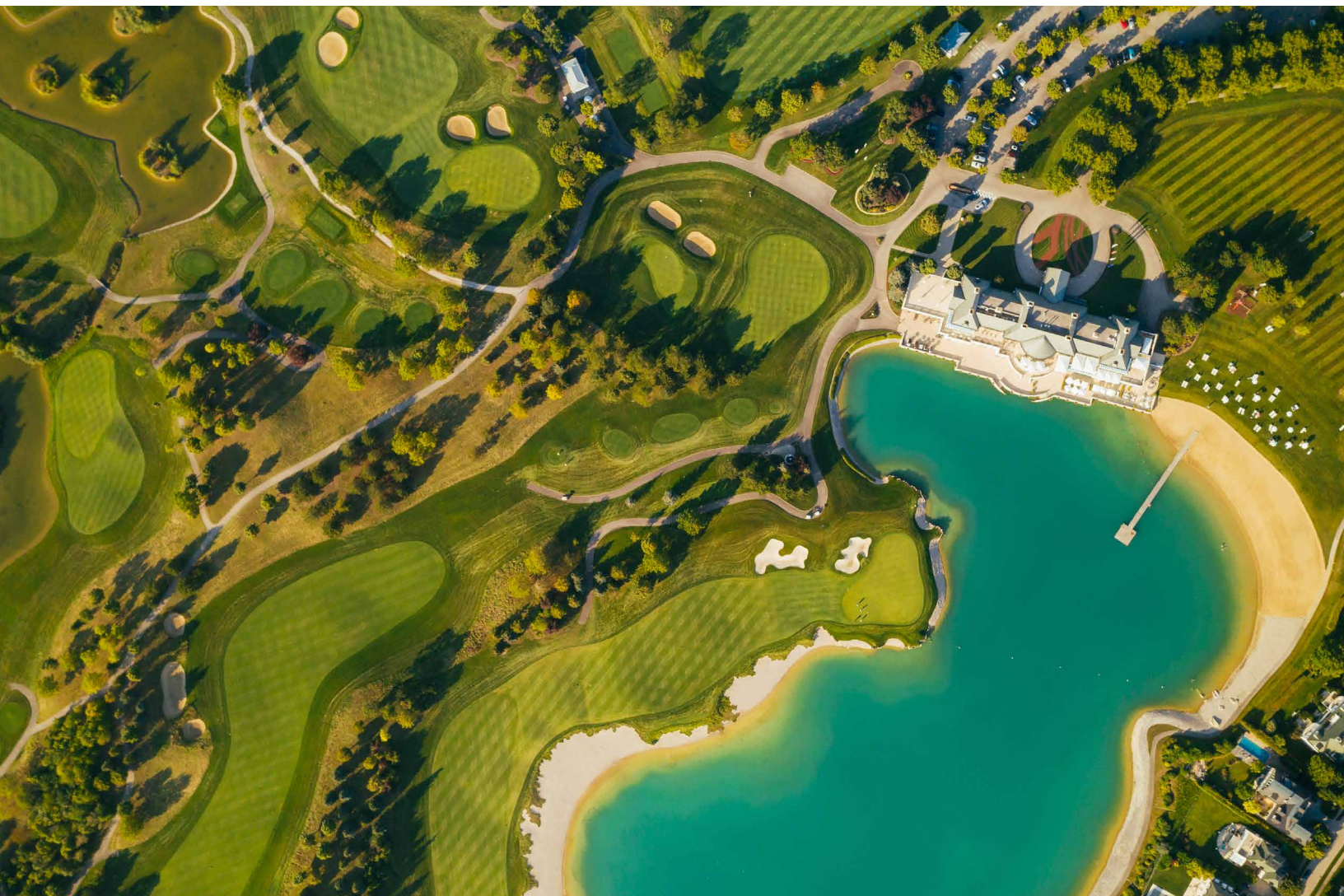
Testimonials



"If I need something, I just reach out to support. [foreUP's] **support team is the best that I have seen in 40 years** in this business.



"**We love foreUP.** From day one, we've been impressed with their team and their **dedication to our success.** The software has given us **efficiency** and tools we have never had access to before, including a **great online booking system that has streamlined our online operations.** We are thrilled to be working with them and look forward to a **very strong partnership.**



Products and Services

Tee Sheet

- Cloud Based Tee Sheet, Anywhere Access
- Text & Email Golfers Anytime From Tee Sheet
- Live Online Web Booking, Configurable by Player Type
- Event, League, Outing Management, Cart Signs
- Automated Player Reminders
- Easy Point/Click, Drag/Drop Interface

Point of Sale

- Customer Dashboard w/ Photo ID & Sales History
- Seamless Management of All Pro Shop & Bar/Grill Sales
- Pre-Authorization of Credit Cards to Hold Tabs
- Integrated, Tiered Loyalty Program, Customizable by Item/Dept
- Layered Tournament/Shop Credit Capability
- Complex Pass Program with Customizable Parameters
- Integrated Time & Attendance (Time Clock Mgmt)

Email / Text Marketing

- Easily Design and Send Email AND Text Message Campaigns
- Full Marketing Automation
- Fully Integrated Email and Texting Based on Play & Purchase Behavior Patterns
- Pre-Built Templates for Ease of Use
- Full Send and Open Analytics, Google Analytics Compatible

Website

- Dedicated Website Support Line
- Full Website Build
- All Builds are Completely Computer, Tablet, and Mobile Friendly
- Website Hosting
- Regular Updating and Monitoring of Website

Member Billing

- Easily Manage Automatic Member/Dues Payments and A.R
- Ability to Auto-Bill to Card on File OR Checking Account (ACH – 1% Fee)
- Multiple Layers of Billing (Daily, Weekly, Monthly, Quarterly, Ann)
- Customizable Food & Beverage Minimum Tracking
- Easy Online Member Bill Pay / Statement Viewing

Food & Beverage

- Optimized for Tablet/Tablesides (Apple or Android)
- Easily Split Tabs, Split Shareable Items
- Custom Menus with Timed Events (Happy Hours)
- Customization of Buttons/Layers (Colors, Etc)
- Customizable Table Mapping
- Pre-Authorization of Credit Cards to Hold Open Tabs

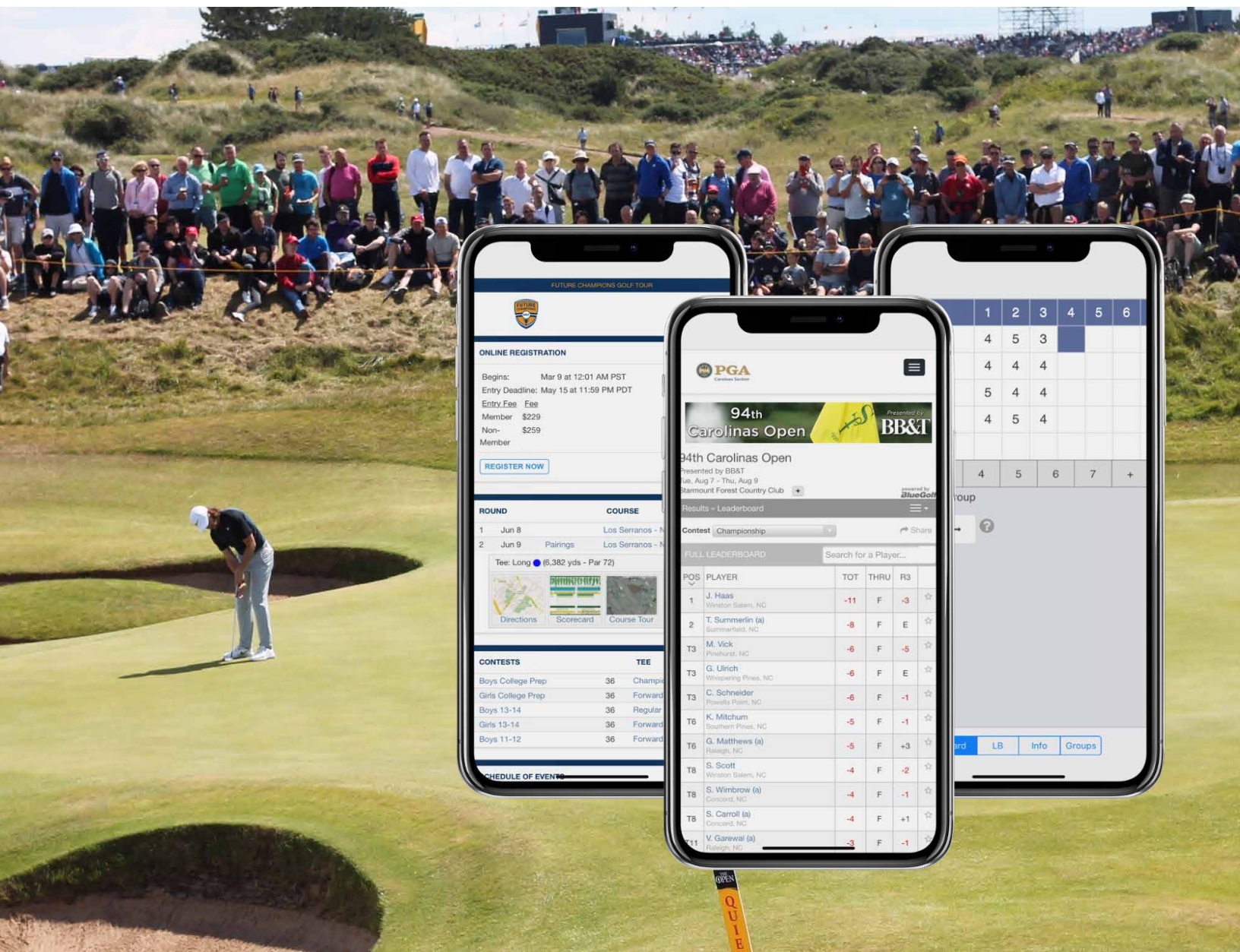
Implementation

- Includes Full System Setup/Buildout
- Includes Full Data Migration from Previous System
- UNLIMITED Training Sessions Over Time



foreUP Tournament Management

- Industry-Best Leaderboards with TV Streaming
- All Popular Formats Included
- Digital Live Scoring with Golfer Signature Capability
- Beautiful, Intuitive Event Page Templates
- One-Click Winnings and Automatic Profile Creation
- Libraries of Reports, Scorecards, and Cart Signs
- Built-In Email and Text Marketing



FUTURE CHAMPIONS GOLF TOUR

ONLINE REGISTRATION

Begins: Mar 9 at 12:01 AM PST
 Entry Deadline: May 15 at 11:59 PM PDT

Entry Fee: Fee
 Member: \$229
 Non-Member: \$259

[REGISTER NOW](#)

ROUND **COURSE**

1	Jun 8		Los Serranos - N
2	Jun 9	Pairings	Los Serranos - N

Tee: Long (6,382 yds - Par 72)

Directions Scorecard Course Tour

CONTESTS **TEE**

Boys College Prep	36	Champs
Girls College Prep	36	Forward
Boys 13-14	36	Regular
Girls 13-14	36	Forward
Boys 11-12	36	Forward

SCHEDULE OF EVENTS

PGA
Carolina Section

94th Carolinas Open
Presented by BB&T

Presented by BB&T
 Tue, Aug 7 - Thu, Aug 9
 Starmount Forest Country Club

Results - Leaderboard

Contest: Championship

FULL LEADERBOARD Search for a Player...

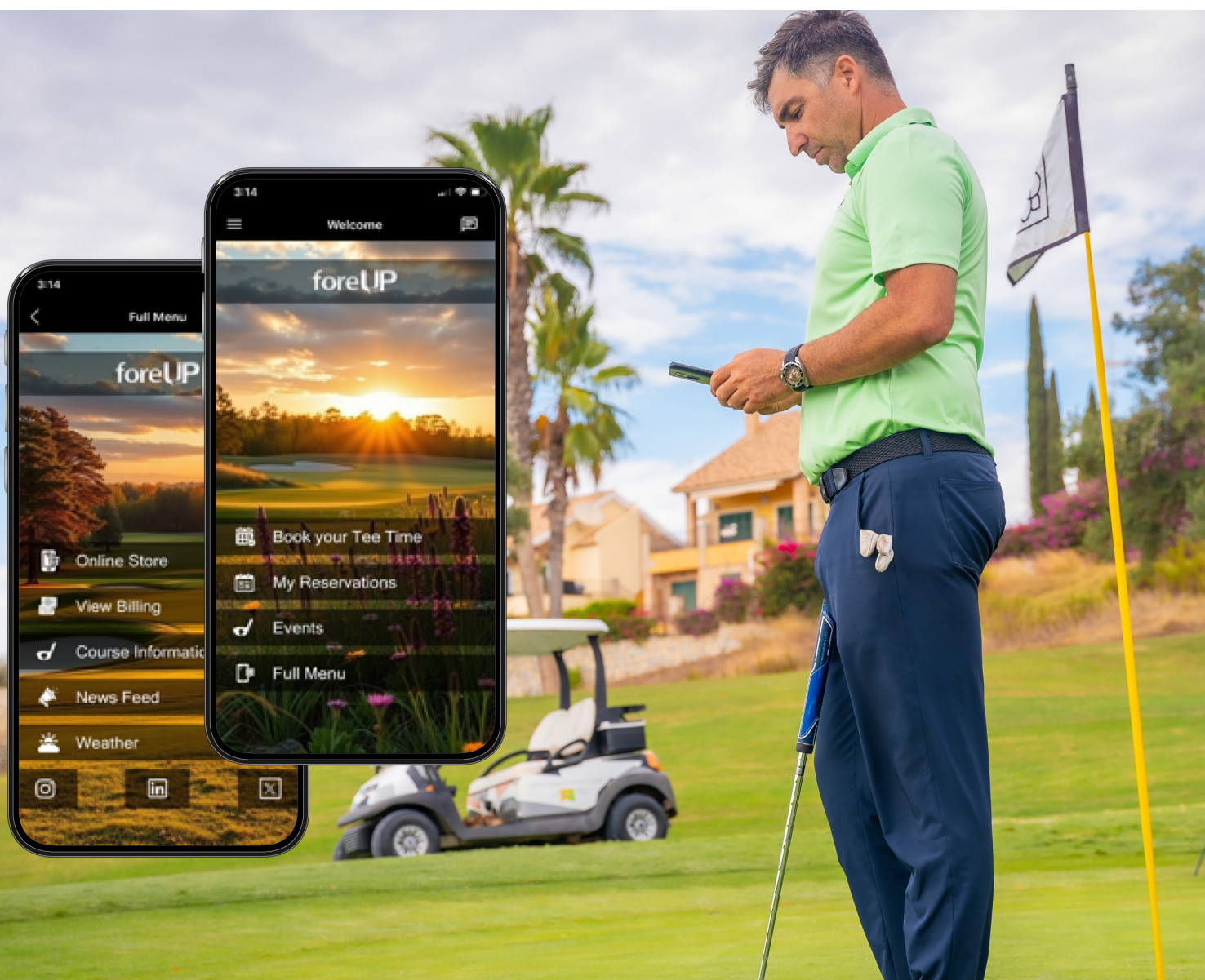
POS	PLAYER	TOT	THRU	R3
1	J. Haas Winston Salem, NC	-11	F	-3
2	T. Summerlin (a) Summersfield, NC	-8	F	E
T3	M. Vick Pinehurst, NC	-6	F	-5
T3	G. Ulrich Whispering Pines, NC	-6	F	E
T3	C. Schneider Pinebluff Point, NC	-6	F	-1
T6	K. Mitchum Southern Pines, NC	-5	F	-1
T6	G. Matthews (a) Raleigh, NC	-5	F	+3
T8	S. Scott Winston Salem, NC	-4	F	-2
T8	S. Wimbrow (a) Concord, NC	-4	F	-1
T8	S. Carroll (a) Concord, NC	-4	F	+1
T11	V. Garewal (a) Raleigh, NC	-3	F	-1

LB Info Groups

	1	2	3	4	5	6
4	5	3				
4	4	4				
5	4	4				
4	5	4				
4	5	6	7	+		

foreUP Branded Mobile App

- Custom-branded with your course's name, colors, and logo – not ours
- Offer one-tap tee time booking through your foreUP engine
- Send real-time push notifications for events, deals, and course alerts
- Let members access statements, payments, and account details on the go
- Promote merchandise, passes, and gift cards through your online store
- Syncs with your POS, marketing, and member management tools
- Keep players engaged with social feeds, news, and club updates
- Build loyalty by staying top-of-mind on your players' home screens



LICENSE AGREEMENT

Golf Compete, Inc. d/b/a foreUP ("foreUP")
9987 Carver Road, Suite 230
Blue Ash, OH 45242
Sales: (866) 792-0969
Support: (800) 929-5737
Agreement ID : Q-43115



info@foreup.com
www.foreupgolf.com

License Agreement Prepared by:
Brent Brown
brent.brown@foreup.com

CLIENT INFORMATION

Client Name ("Client"):	Desert Canyon Golf Course
Client Address:	1880 E 8th N, Mountain Home, ID 83647
Client Contact Name:	Jeff Rhodes
Client Contact Phone:	(208) 890-3607
Client Contact Email:	jrhodes@mountain-home.us
Client Billing Contact:	Jeff Rhodes
Billing Contact Email :	jrhodes@mountain-home.us

TERM & BILLING

Initial Term:	24
Renewal Term:	12 months for all products and services (unless on seasonal Ad Services Contract - renewal period will automatically renew for that seasonal duration).
Billing Start Date:	7/1/2026
Invoice Frequency:	Monthly
Payment Terms:	See, Section 2 of Terms of Service

APPROVED LOCATION(S)

(as updated from time to time upon mutual agreement of the Parties)

Desert Canyon Golf Course
1880 E 8th N, Mountain Home, ID 83647 United States

SERVICES & FEES

**** If Client does not sign and accept this License Agreement by 5/10/2026, then foreUP's offered pricing for Services will expire.****

Note: All Fees subject to increase in accordance with the Terms of Service.

One Time Fees

QTY	Product Name	List Price	Discount	Net Price
1	foreUP Tee Sheet Pro + Implementation Fee	\$699.00	\$699.00	\$0.00
1	foreUP Mobile App Implementation Fee (Discounted \$1000)	\$0.00	\$0.00	\$0.00

Products/Services (per Monthly Pricing)

QTY	Product Name	List Price	Discount	Net Price
1	foreUP Marketing Standard	\$75.00	\$0.00	\$75.00
1	foreUP Club Branded Mobile App - No Install Fees	\$199.00	\$0.00	\$199.00
1	foreUP Point of Sale Standard	\$135.00	\$0.00	\$135.00
1	foreUP Text Messaging - Plus	\$70.00	\$0.00	\$70.00
1	foreUP Website	\$190.00	\$0.00	\$190.00
1	foreUP Tee Sheet Pro+	\$239.00	\$0.00	\$239.00
1	foreUP Member Billing Standard	\$55.00	\$0.00	\$55.00
1	foreUP Payment Services (see Payment Services Fees below)	\$0.00	\$0.00	\$0.00

HARDWARE CREDIT USD 2,000.00

METHOD OF PAYMENT

Inventory Exchange	1 Tee Time/Day
--------------------	----------------

TERMS OF SERVICE

The Services described in this License Agreement are provided to Client subject to the terms and conditions of this Agreement, which includes this License Agreement, foreUP's <https://www.foreupgolf.com/terms-of-service/> (<https://www.foreupgolf.com/terms-of-service/>) and <https://www.foreupgolf.com/foreup-privacy-policy/> (<https://www.foreupgolf.com/foreup-privacy-policy/>), Sub-Merchant Application & Agreement (SMAA), foreUP's <https://www.foreupgolf.com/wp-content/uploads/2024/08/foreUP-Payment-Terms-and-Conditions-4.2024.pdf> (<https://www.foreupgolf.com/wp-content/uploads/2024/08/foreUP-Payment-Terms-and-Conditions-4.2024.pdf>), the Addenda and all other documents included by reference (all of which as updated from time to time).

Any capitalized terms not defined elsewhere in this License Agreement shall have the meanings attributed in the Agreement. Fees of Services will commence on the Billing Start Date, as described above, and Client's payment of Fees will be due and payable on the payment terms described in the Terms of Service.

PAYMENT SERVICES

foreUP Payments is offered to integrate credit card transactions to foreUP software services, including: processing payments and tips, issuing refunds, storing customer card information for future payments, and allowing customers to purchase gift cards, reservations, and other goods and services online. foreUP Payments also enables you to view, export, and reconcile your credit card transactions. By signing below, you authorize us to conduct the foregoing services on your behalf.

Your use of foreUP Payments is contingent upon the completion and approval of the foreUP Payments Sub-Merchant Application and Agreement, including the foreUP Payments Terms and Conditions.

You are responsible for the purchase of compatible credit card devices from our online store.

FEES (FOR PAYMENT SERVICES)

Your fee structure will be Interchange Cost Plus. foreUP will pass all network costs directly to you and you agree to pay foreUP's fees listed herein and on the Sub-Merchant Application & Agreement (SMAA), including but not limited to the following. Refer to the Sub-Merchant Application & Agreement (SMAA) for detailed fees for Payment Services.

1. a fee equal to 0.95 % of the total transaction
2. a flat fee of \$0.20 per transaction

Monthly Billing: Gross deposits are paid in full, with processing fees accrued and debited from your account on the 5th of the following month. If we are not authorized to debit your account, you will be placed on net daily settlements, where fees will be deducted from daily deposits.

Chargeback Fee: You will be responsible for responding to payment disputes. Lost disputes will automatically be refunded from your account. You agree to pay a \$15.00 fee per dispute.

ADDITIONAL TERMS & CONDITIONS

By signing below, foreUP and Client each acknowledge that they have carefully read and fully understand the Agreement as written, and each agrees to be bound by the terms of this Agreement. This Agreement will become effective as of the date of last party signature to the License Agreement ("Effective Date"). The individuals signing the Agreement represent that they have the authority to bind the respective parties to the terms of this Agreement.

CLIENT	foreUP
Desert Canyon Golf Course	Golf Compete, Inc.
By:	By:
Title:	Title: President, Clubessential
Effective Date:	Date:



May 12, 2026

RE: Fiber Overdrawn Budget Line

Mayor and Council:

For the bill run ending April 30, 2026, expense line 50-434-35-25 was overdrawn by \$5385.68. The SAAS-Monthly subscription covers the city fiber carrier contract, which enables the city to deliver the Idaho Regional Optic Network (IRON) city connection to the network.

The overage was caused by increased bandwidth usage resulting from more network connections and higher overall demand. The fiber team is currently collaborating with EntryPoint to monitor connectivity and manage the higher-than-usual bandwidth usage. This will help streamline data delivery and minimize overall bandwidth consumption. Additionally, we have upgraded our data delivery package to increase the authorized bandwidth, which will help reduce overage charges that incur additional fees.

If you have any questions or require additional information regarding this matter, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Curtis", is positioned above the typed name.

Chris Curtis
Director of Public Works
City of Mountain Home, Idaho



P.O. Box 10 • Mountain Home, ID 83647
www.mountain-home.us

May 5, 2026

Subject: Budget Line Overages – Bill Run Ending April 30, 2026

Meeting Date: May 12, 2026

Mayor and Councilmembers,

The purpose of this memorandum is to provide notice and clarification regarding budget line overages identified during the bill run ending April 30, 2026, along with the proposed offsetting budget lines to maintain accurate accounting practices.

Budget Line 01-415-36-20 – Postage Meter Lease is currently overdrawn in the amount of \$272.26. This overage is the result of the City entering into a new postage machine lease agreement required to comply with updated United States Postal Service mailing and equipment requirements.

To offset this overage, staff will utilize Budget Line 01-415-99-35 – Lease Purchase Equipment, which contains sufficient available appropriations to absorb the additional expense.

Budget Line 01-415-43-00 – Computer Software is currently overdrawn in the amount of \$2,170.26 and is anticipated to continue exceeding the adopted budget through the remainder of Fiscal Year 2026.

Staff has identified Budget Line 01-415-43-15 – Tech Support and IT Support, which currently maintains an available balance of \$39,811.99, as the appropriate offsetting line item.

This adjustment is recommended to ensure consistency and accuracy in the City's accounting and expenditure coding practices. Moving forward, staff will continue to code computer software, subscriptions, and related technology expenditures to the appropriate software budget line to maintain clear and consistent financial reporting.

Please let me know if you have any questions or require additional information regarding these budget adjustments.

Respectfully,

Tiffany Belt, City Clerk
tbelt@mountain-home.us
(208)587-2104



May 12, 2026

RE: Water and Wastewater Overdrawn Budget Line

Mayor and Council:

For the bill run ending April 30, 2026, the Water expense (line 25-434-42-50) was overdrawn by \$2,990.40, and the Wastewater expense (line 26-435-42-50) was overdrawn by \$2,990.41. The merchant service fee line is established to cover the service fees for customers who pay with a credit card. As society transitions from a cash payment system to cashless credit card payments, this line will continue to increase. Unfortunately, it is difficult to predict the amount, as Public Works has no control over how customers choose to pay.

To cover this and further Merchant service expenses, the Water and Wastewater departments will utilize their respective Capital Reserve lines, 25-434-92-00 and 26-435-92-00.

If you have any questions or require additional information regarding this matter, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Curtis", is written over a light blue horizontal line.

Chris Curtis
Director of Public Works
City of Mountain Home, Idaho



P.O. Box 10 • Mountain Home, ID 83647
www.mountain-home.us

May 5, 2026

RE: Example Annexation Agreements

City Council Meeting: May 12, 2026

Mayor and Council,

At your request, I submitted a public records request to the Eagle for copies of example annexation agreements. The requested documents have been received and are attached for your review and reference.

These examples are being provided for informational purposes only and may assist the City in evaluating potential annexation agreement language and development considerations for future use. Any future agreement would require review by the City Attorney and City staff to ensure compliance with applicable laws, ordinances, and City policies.

Please let me know if you have any questions.

Respectfully,

A handwritten signature in cursive script that reads "Tiffany Belt".

Tiffany Belt
T (208) 587-2104
tbelt@mountain-home.us

BEFORE THE EAGLE CITY COUNCIL

IN THE MATTER OF AN APPLICATION)
FOR AN ANNEXATION AND REZONE)
WITH A DEVELOPMENT AGREEMENT)
FROM RUT (RURAL-URBAN TRANSITION) TO)
BP-DA (BUSINESS PARK WITH A)
DEVELOPMENT AGREEMENT) AND REZONE)
FROM A-R (AGRICULTURAL-RESIDENTIAL))
AND BP-P (BUSINESS PARK WITH A PUD) TO)
BP-DA (BUSINESS PARK WITH A)
DEVELOPMENT AGREEMENT [IN LIEU OF A)
CONDITIONAL USE PERMIT]) FOR AN INDOOR)
STORAGE FACILITY FOR LZL VENTURES,)
LLC/CHAD LONGSON)

FINDINGS OF FACT AND CONCLUSIONS OF LAW
CASE NUMBER A-2025-01 & RZDA-2025-01

The above-entitled annexation and rezone with a development agreement applications came before the Eagle City Council for their action on May 13, 2025, at which time public testimony was taken and the public hearing was closed. The Eagle City Council, having heard and taken oral and written testimony, and having duly considered the matter, makes the following Findings of Fact and Conclusions of Law;

FINDINGS OF FACT:

A. PROJECT SUMMARY:

LZL Ventures, LLC/Chad Longson, represented by Connor Lindstrom with KM Engineering, LLP, are requesting an annexation and rezone from RUT (Rural-Urban Transition – Ada County Designation) to BP-DA (Business Park with a Development Agreement) and a rezone from A-R (Agricultural Residential) and BP-P (Business Park with a PUD) to BP-DA (Business Park with a Development Agreement) in lieu of a conditional use permit for an Indoor Storage Facility for Peak Condo Storage. The 20.08-acre site is located on the southwest corner of North Horseshoe Bend Road and East Hill Road at 9551, 9557, and 9605 North Horseshoe Bend Road.

B. APPLICATION SUBMITTAL:

A Neighborhood Meeting was held at 660 East Civic Lane, Eagle, ID at 6:00 PM on December 30, 2024, in compliance with the application submittal requirement of Eagle City Code. The applications for this item were received by the City of Eagle on January 9, 2025.

C. NOTICE OF PUBLIC HEARING:

Notice of Public Hearing on the applications for the Eagle Planning and Zoning Commission was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Eagle City Code on February 28, 2025. Notice of this public hearing was mailed to property owners within five-hundred feet (500-feet) of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Eagle City Code on February 27, 2025. The site was posted in accordance with the Eagle City Code on March 4, 2025. Requests for agencies’ reviews were transmitted on January 17, 2025, in accordance with the requirements of the Eagle City Code.

Notice of Public Hearing on the applications for the Eagle City Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Eagle City Code on April 25, 2025. Notice of this public hearing was mailed to property owners in accordance with

Example 1

the requirements of Title 67, Chapter 65, Idaho Code and Eagle City Code on April 21, 2025. The site was posted in accordance with the Eagle City Code on April 15, 2025.

D. HISTORY OF RELEVANT PREVIOUS ACTIONS:

On October 26, 2004, City Council approved a rezone upon annexation, conditional use permit, preliminary development plan, and preliminary plat (A-5-04/RZ-5-04/CU-5-04/PPUD-2-04/PP-4-04) for Optimist Business Park planned unit development at 9551 and 9557 North Horseshoe Bend Road.

On May 10, 2005, the City Council approved a Design Review application (DR-19-05).

On November 13, 2007, the City Council passed Ordinance No. 587 for annexation and rezone of this site.

On December 18, 2007, the City Council approved an extension of time for the preliminary plat for Optimist Business Park Subdivision (PP-04-04) to be valid until December 18, 2008.

On January 13, 2009, the City Council approved an extension of time for the preliminary plat for Optimist Business Park Subdivision (PP-04-04) to be valid until December 18, 2009.

E. COMPANION APPLICATIONS:

All applications are inclusive herein.

F. COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP DESIGNATIONS:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
Existing	Professional Office/Business Park	A-R (Agricultural-Residential), RUT (Rural-Urban Transition – Ada County designation), BP-P (Business Park with a PUD)	Rural residential, agricultural, vacant dryland
Proposed	No Change	BP-DA (Business Park with a development agreement)	Self-Storage
North of site	Professional Office/Business Park	BP-DA (Business Park with a development agreement)	Self-Storage
South of site	Professional Office/Business Park	BP-DA (Business Park with a development agreement)	Self-Storage
East of site	Suburban – City of Boise designation	A-1 (Open Land Very Low Density – City of Boise designation)	Public Park
West of site	State Highway 55	R-6-DA (Residential-up to 6 units per acre with a development agreement)	State Highway 55

G. DESIGN REVIEW OVERLAY DISTRICT:

The site is located within the city-wide Design Review Overlay District.

H. TOTAL ACREAGE OF SITE:

The site is 20.08 acres.

I. APPLICANT’S STATEMENT OF JUSTIFICATION FOR THE REZONE:

See applicant’s narrative dated January 6, 2025, attached to the staff report.

Example 1

J. APPLICANT'S STATEMENT OF JUSTIFICATION OF A DEVELOPMENT AGREEMENT:

See applicant's narrative dated January 6, 2025, attached to the staff report.

K. AVAILABILITY AND ADEQUACY OF UTILITIES AND SERVICES:

The site is within the service boundaries of the Eagle Police Department, Eagle Fire Department, Eagle Sewer District, and Veolia Water. The parcels located at 9551 and 9557 North Horseshoe Bend Road are annexed into Eagle Sewer District but the parcel at 9605 North Horseshoe Bend Road has not been annexed into the District.

L. PUBLIC USES SHOWN ON FUTURE ACQUISITIONS MAP: No map currently exists.

M. SPECIAL ON-SITE FEATURES:

- Areas of Critical Environmental Concern – No
- Evidence of Erosion – No
- Fish Habitat – No
- Floodplain – No
- Mature Trees – Yes
- Riparian Vegetation – No
- Steep Slopes – No
- Stream/Creek – No
- Unique Animal Life – No
- Unique Plant Life – No
- Unstable Soils – No
- Wildlife Habitat – Unknown

N. NONCONFORMING USES:

There is an existing house on the property, however it is required to be removed prior to issuance of any building permits.

O. AGENCY RESPONSES:

The following agencies have responded and their correspondence is attached to the staff report.

- Ada County Highway District
- Central District Health Department
- Department of Environmental Quality
- Idaho Transportation Department
- Eagle Sewer Department

P. LETTERS FROM THE PUBLIC:

Correspondence received from Piccadilly Village Homeowners Association, date stamped by the City on March 10, 2025, is attached to the staff report.

THE CITY COUNCIL RECEIVED AND REVIEWED THE FOLLOWING STAFF ANALYSIS PROVIDED WITHIN THE STAFF REPORT AND ADOPTS THE STAFF REPORT AS PART OF THE CITY COUNCIL'S FINDINGS OF FACT:

Example 1

A. COMPREHENSIVE PLAN PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

The Comprehensive Plan Land Use Map designates this site as Professional Office/Business Park:

Suitable primarily for the development of technical park/research and development facilities, professional office/office complexes, and limited manufacturing activities, including small-scale production, distribution, and storage of goods. Support activities may also be permitted. Retail may be permitted as an ancillary use within this land use category. Smaller medical uses such as dentist offices and other outpatient clinics are also encouraged.

All development within this land use shall be designed to be within a landscaped setting and be free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Such development

should be operated entirely within enclosed structures and generate minimal industrial traffic. Development within this land use designation should be required to proceed through the PUD process.

B. ZONING CODE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

- Eagle City Code Section 8-1-2: RULES AND DEFINITIONS:

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.

STORAGE (ENCLOSED BUILDING): An enclosed building or group of buildings containing separate, individual, secured, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

WAREHOUSING AND STORAGE:

- A. Limited: Provision of storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This classification includes facilities with a maximum of five thousand (5,000) square feet of gross floor area, but excludes wholesaling, distribution and storage, ministorage and vehicle storage.
- B. Ministorage: Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces. May include vehicle storage to a maximum of twenty percent (20%) of the site. Where greater than twenty percent (20%) of the site is allocated to vehicle storage, the vehicle storage must be treated as a separate use.

- Eagle City Code Section 8-2-1: DISTRICTS ESTABLISHED, PURPOSES AND RESTRICTIONS:

BP BUSINESS PARK DISTRICT:

Example 1

To encourage the development of technical park/research and development facilities, offices and office complexes, and limited manufacturing activities including small scale production, distribution and storage of goods. Support activities may also be permitted. All development within this district shall be designed to be within a landscaped setting, and be free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare. Such development shall be operated entirely within enclosed structures, and generate minimal industrial traffic. All development requiring a conditional use permit in the BP zoning district, as shown in section 8-2-3 of this chapter, shall occur under the PUD and/or development agreement process in accordance with chapter 6 or 10 of this title unless the proposed development does not meet the area requirements as set forth in section 8-6-5-1 of this title. In that case a cooperative development, in conjunction with adjacent parcels (to meet the minimum area requirements), shall be encouraged. Otherwise a conditional use permit shall be required unless the proposed use is shown as a permitted use in the BP zoning district within section 8-2-3 of this chapter.

- Eagle City Code Section 8-2-3: SCHEDULE OF DISTRICT USE REGULATIONS:

Land Uses	BP (Business Park)
Storage (enclosed building)	C
Warehousing, wholesaling plant	C
Flex space	P
Single-family dwelling (existing)	

- Eagle City Code Section 8-2-4: SCHEDULE OF BUILDING HEIGHT AND LOT AREA REGULATIONS

Zoning District	Maximum Height	Minimum Yard Setbacks				Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width
		Front	Rear	Interior Side	Street Side			
BP	35'	20'	0'	0'	20'	50%	n/a	25'

- Eagle City Code Section 8-4-5: SCHEDULE OF PARKING REQUIREMENTS:

Type Of Use	Off Street Parking Spaces Required
Storage (enclosed building and/or fenced area)	1 per 1,000 square feet of gross storage area

- Eagle City Code Section 8-10-1: REQUIREMENTS AND RESTRICTIONS:
 - A. Purpose: Development agreements are a discretionary tool to be used by the council as a condition of rezoning. Development agreements allow a specific project with a specific use to be developed on property in an area that is not appropriate for all uses allowed or conditional in the requested zone.
 - B. Initiation Of Development Agreement:
 1. A development agreement may be initiated for the rezoning of a particular parcel of land or collection of parcels of land through the following methods:
 - a. On application by the property owner.

Example 1

- b. On recommendation of the zoning administrator.
 - c. On recommendation of the commission.
 - d. Required by the council.
2. In the event of a determination by the commission that a development agreement should be entered into, the commission shall retain jurisdiction of the matter, defer consideration of the rezone applied for and set a time limit for submittal of the development agreement. The commission shall then proceed as specified in this section.
 3. In the event of a determination by the council that a development agreement should be entered into, the council shall remand the matter back to the commission for submittal of the development agreement. The council may direct the commission on remand of the matter to the commission. The commission shall then proceed as specified in this section.
 4. In the event of either of the above, all time limits required by this code may be stayed upon affirmative vote of the commission or council.
- C. Form Of Development Agreement: A development agreement shall be in the form required by the zoning administrator. No agreement shall be accepted by the zoning administrator which does not include the following:
1. An affidavit by the owner of the parcel agreeing to submit the parcel to a development agreement.
 2. The specific use or uses of the parcel for which the development agreement is sought.
 3. The allowed or conditional use in the conditional zone for which application has been made.
 4. A concept plan of the project to be developed on the parcel. The concept plan may include:
 - a. A description of the density allowed or sought; and
 - b. Maximum height, size, and location of any structures on the property.
 5. The time required to begin the use on the property.
 6. A statement by the owner of the parcel that failure to comply with the commitments in the development agreement shall be deemed consent to rezone the use to the preexisting zone or, in the case of an initial zone at annexation, a zone deemed appropriate by the council.
 7. Any other matter mutually agreeable to the parties.

C. DISCUSSION:

- The applicant is proposing that buildings be constructed across the lot line dividing 9551 and 9557 North Horseshoe Bend Road. A lot line adjustment application should be submitted for the removal of the existing parcel line that conflicts with the proposed buildings and their required setbacks. The lot line adjustment should be submitted to the City for review and approval prior to the issuance of a zoning certificate or condo plat (whichever occurs first).
- The applicant has proposed a ten-foot-six-inch (10'-6") wide right-of-way dedication and five-foot (5') wide sidewalk along North Horseshoe Bend Road on the east side of site, terminating approximately forty four feet (44') south of the northern property boundary

Example 1

abutting East Hill Road. There is no right-of-way dedication or sidewalk proposed along East Hill Road. The applicant should construct a sidewalk with a minimum width of five feet (5') along the entire eastern property line and along the south side of East Hill Road from the intersection of North Horseshoe Bend Road to the terminus of the western property boundary. The sidewalk along East Hill Road and North Horseshoe Bend Road should connect at the southwest corner of the intersection. All sidewalks should be constructed prior to the issuance of the first certificate of occupancy associated with the property.

- The applicant is requesting that the following uses marked “C” for conditional use under the BP zoning designation in the “Official Schedule of District Regulations” in Eagle City Code Section 8-2-3 be permitted on the Property and should be approved with this development agreement in lieu of a conditional use permit:
 - Storage (enclosed building)
 - Warehousing, wholesaling plant

PUBLIC HEARING OF THE COMMISSION:

- A. A public hearing on the applications was held before the Planning and Zoning Commission on March 17, 2025, at which time testimony was taken and the public hearing was closed. The Commission made their recommendation at that time.
- B. Oral testimony in favor of the applications was presented to the Planning and Zoning Commission by no one (other than the applicant/representative).
- C. Oral testimony in opposition to the applications was presented to the Planning and Zoning Commission by no one.
- D. Oral testimony neither in favor of nor in opposition to the applications was presented to the Planning and Zoning Commission by one (1) individual representing the Piccadilly Village Subdivision Homeowners Association who indicated a concern with how the development may increase the noise and traffic of their neighborhood across State Highway 55 from the project site. The individual requested that a condition be added to the site specific conditions of approval requiring the applicant to construct a concrete sound wall along the portion of the Picadilly Village Subdivision’s perimeter that borders the State Highway 55.

COMMISSION DELIBERATION: (Granicus time 00:30:55)

Upon closing the public hearing, the Commission discussed during deliberation that:

- Questions regarding required site improvements and the timing of their installation

COMMISSION DECISION:

The Commission voted 2 to 0 (Wright and Smith absent, McCauley recused) to recommend approval of A-2025-01 & RZDA-2025-01 for an annexation and rezone from RUT (Rural-Urban Transition – Ada County Designation) to BP-DA (Business Park with a Development Agreement) and a rezone from A-R (Agricultural Residential) and BP-P (Business Park with a PUD) to BP-DA (Business Park with a Development Agreement) in lieu of a conditional use permit with the conditions of development provided within their findings of fact and conclusions of law document, dated April 7, 2025.

PUBLIC HEARING OF THE COUNCIL: (Granicus time 01: 30:10)

- A. A public hearing on the applications was held before the Eagle City Council on May 13, 2025, at which time testimony was taken and the public hearing was closed. The Council made their decision at that time.

Example 1

- B. Oral testimony in favor of the applications was presented to the City Council by no one (not including the applicant/representative).
- C. Oral testimony in opposition to the applications was presented to the City Council by no one.

COUNCIL DECISION:

The Council voted 4 to 0 to approve A-2025-01 & RZDA-2025-01 for an annexation and rezone from RUT (Rural-Urban Transition – Ada County Designation) to BP-DA (Business Park with a Development Agreement) and a rezone from A-R (Agricultural Residential) and BP-P (Business Park with a PUD) to BP-DA (Business Park with a Development Agreement) in lieu of a conditional use permit with the following Planning and Zoning Commission recommended conditions of development to be placed within a development agreement with underline text to be added by the Council and strike through text to be deleted by the Council:

- 3.1 Owner will develop the Property subject to the conditions and limitations set forth in this Development Agreement. Further, the Owner will submit such applications regarding floodplain development permit review, design review, preliminary and final plat reviews, and/or any conditional use permits, if applicable, and any other applicable applications as may be required by the Eagle City Code, which shall comply with the Eagle City Code, as it exists at the time such applications are made except as otherwise provided with this Agreement.
- 3.2 The Concept Plan (**Exhibit B**) represents the Owner's current concept for completion of the project. As the Concept Plan evolves, the City understands and agrees that certain changes in that concept may occur. If the City determines that any such changes require additional public comment due to potential impacts on surrounding property or the community, a public hearing shall be held on any proposed changes in the Concept Plan, notice shall be provided as may be required by the City.
- 3.3 Owner shall remove the existing single-family dwelling from the Property prior to the issuance of the first building permits associated with phase two of development according to the approved phasing plan date stamped by the City on March 14, 2025.
- 3.4 Owner shall submit a lot line adjustment application for the removal of the existing parcel line that conflicts with the proposed buildings and their required setbacks. The lot line adjustment shall be submitted for review and approval prior to the issuance of a zoning certificate or condo plat, whichever occurs first.
- 3.5 The Owner shall construct a sidewalk with a minimum width of five feet (5') along the entire eastern property line and along the south side of East Hill Road from the intersection of North Horseshoe Bend Road to the terminus of the western property boundary. The sidewalk along East Hill Road and North Horseshoe Bend Road shall connect at the southwest corner of the intersection. ~~All sidewalks shall be constructed prior to the issuance of the first certificate of occupancy associated with the property.~~ Sidewalks shall be constructed with each phase of development or completed prior to five (5) years from the execution of this development agreement.
- 3.6 Except for the limitations and allowances expressly set forth above and the other terms and conditions of this Development Agreement, the Property can be developed and used consistent with the Business Park (BP) zoning designation within Eagle City Code Section 8-2-3, effective at the time a design review application or conditional use permit application (whatever the case may be) is made for individual building use.

All uses marked with a "P" for permitted use under the BP zoning designation in the "Official Schedule of District Regulations" in Eagle City Code Section 8-2-3 shall be considered permitted uses, and all uses shown as "C" for conditional use under the BP zoning designation shall require a conditional use permit.

Example 1

The following conditional uses are approved with this development agreement in lieu of a conditional use permit:

- Storage (enclosed building)
 - Warehousing, wholesaling plant
- 3.7 Owner shall annex the parcels located at 9605 North Horseshoe Bend Road into the Eagle Sewer District prior to the issuance of a zoning certificate.
- 3.8 The conditions, covenants, and restrictions for the Property shall contain at least the following:
- (a) A requirement that the facility shall remain a Storage Group S-1 occupancy, limited to the uses of an S-1 occupancy, as defined by International Building Code (IBC), except that the occupancy classification of an individual storage unit may be changed by an individual owner if approved by the City of Eagle through the approval of a tenant improvement permit and an occupancy permit.
 - Each storage unit owner shall receive, at a minimum, an occupancy permit from the City of Eagle following the transfer of ownership.
 - If any improvements are proposed within the individual storage unit, the storage unit owner shall be required to obtain tenant improvement permit approval from the City of Eagle prior to construction.
 - (b) A provision that prohibits habitation on the Property, including temporary living.
 - (c) A provision that prohibits the operation of businesses within any condominium unit on the Property except for storage uses which are ancillary to business operation. Condominium units shall not be permitted to be used as primary business addresses.

CONCLUSIONS OF LAW:

1. The Council reviewed the particular facts and circumstances of this proposed rezone with a development agreement upon annexation (A-2025-01 & RZDA-2025-01) with regard to Eagle City Code Section 8-7-5 "Action by the Commission and Council", and based upon the information provided concludes that the proposed rezone upon annexation is in accordance with the City of Eagle Comprehensive Plan and established goals and objectives because:
 - a. The requested zoning designation of BP-DA (Business Park with a development agreement) is consistent with the designation as shown on the Comprehensive Plan Land Use Map;
 - b. The information provided from the agencies having jurisdiction over the public facilities needed for this site indicate that adequate public facilities exist, or are expected to be provided, to serve the uses limited within the development agreement;
 - c. The proposed zoning designation of BP-DA (Business Park with a development agreement) is compatible with the BP-DA (Business Park with a development agreement) zone and land use to the north since that area is being developed in a similar manner as this development, and;
 - d. The proposed zoning designation of BP-DA (Business Park with a development agreement) is compatible with the BP-DA (Business Park with a development agreement) zone and land use to the south since that area is developed in a similar manner as this development, and;
 - e. The proposed zoning designation BP-DA of (Business Park with a development agreement) is compatible with the R-6-DA (Residential-up to 6 units per acre) zone and land use to the west since that area separated by State Highway 55 and will be screened by the existing concrete masonry unit block wall on the west side of the highway and the buildings to be built along the western property line facing away from State Highway 55, and;

Example 1

- f. The proposed zoning designation BP-DA of (Business Park with a development agreement) is compatible with the A-1 (Open Land Very Low Density – City of Boise designation) zone and land use to the east since that area is a public park and the City has determined that public parks are compatible with all adjacent zoning designations, and;
 - g. The land proposed for rezone is not located within a “Hazard Area” and “Special Area” as described within the Comprehensive Plan.
2. The Council reviewed the particular facts and circumstances of the proposed rezone with a development in lieu of a conditional use permit (RZDA-2025-01) in terms of Eagle City Code Section 8-7-3-2, “General Standards For Conditional Uses” and has concluded that the proposed conditional uses:
- A. Will, in fact, constitute a conditional use as established in Section 8-2-3 of this title (Eagle City Code Title 8) since warehousing, wholesaling plants, and storage (enclosed building) may be permitted in the BP (Business Park) zoning district with the approval of a conditional use permit;
 - B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this title (Eagle City Code Title 8) since there are no inconsistencies with the Comprehensive Plan and since warehousing, wholesaling plants, and storage (enclosed building) is permitted with the approval of a conditional use permit within the BP (Business Park) zoning district;
 - C. Will be designed, constructed, operated, and maintained to be harmonious with and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area since the applicant is proposing similar uses as the adjacent storage facilities and will have to receive building design approval by the Eagle Design Review Board and City Council;
 - D. Will not be hazardous or disturbing to existing or future neighborhood uses since the applicant will construct buildings facing away from State Highway 55 and North Horseshoe Bend Road to provide a screening barrier for noise and activity within the site, and since storage uses will be restricted to inside the buildings;
 - E. Will be served adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services since the site served by Eagle Fire Department and Veolia Water, and two of the site’s three existing addresses are annexed into the Eagle Sewer District. The District has stated that sewer is available for the remaining address to be annexed;
 - F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community since the applicant will bear all costs of development the development will be a private commercial operation;
 - G. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors since the transportation system has been found to be adequate by the ACHD and since the development is not expected to generate any noise, smoke, fumes, glare or odors;
 - H. Will have vehicular approaches to the property which are designed so as not to create an interference with traffic on surrounding public thoroughfares as approved by ACHD;

Example 1

- I. Will not result in the destruction, loss of damage of a natural, scenic, or historic feature of major importance since there are no scenic or historic features of major importance on the site, other than mature trees. Landscaping will be installed along the perimeter of the site adjacent to State Highway 55 and North Horseshoe Bend Road.
- 3. Failure to comply with all provisions and any condition of approval of this conditional use permit may result in a compliance hearing in front of the City Council at which time the Council may add conditions to the permit, modify existing permit conditions, or revoke all or part of the permit.
- 4. Pursuant to Eagle City Code 8-7-3-5(F), a conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits.

Regulatory Takings Analysis Notice: Applicant has a right to request a regulatory takings analysis pursuant to Idaho Code Section 67-8003.

DATED this 27th day of May 2025.

CITY COUNCIL
OF THE CITY OF EAGLE
Ada County, Idaho



Brad Pike, Mayor

ATTEST:


Tracy E. Osborn, Eagle City Clerk



BEFORE THE EAGLE CITY COUNCIL

**IN THE MATTER OF AN APPLICATION)
FOR AN ANNEXATION, REZONE FROM)
RUT [RURAL URBAN TRANSITION – ADA)
COUNTY DESIGNATION] TO R-1-DA)
[RESIDENTIAL WITH A DEVELOPMENT)
AGREEMENT], AND PRELIMINARY PLAT)
FOR SINTRA SUBDIVISION FOR DRAKE)
INVESTMENTS, LLC)**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW:
CASE NUMBER A-2025-02/RZDA-2025-03/PP-2025-02**

The above-entitled annexation, rezone with a development agreement, and preliminary plat applications came before the Eagle City Council for their action on September 23, 2025, at which time public testimony was taken and the public hearing was closed. The Eagle City Council, having heard and taken oral and written testimony, and having duly considered the matter, makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT:

A. PROJECT SUMMARY:

Drake Investments, LLC, represented by Mary Wall with Professional Engineering Services, is requesting annexation and rezone from RUT (Rural-Urban Transition – Ada County designation) to R-1-DA (Residential with a development agreement), and preliminary plat approval for Sintra Subdivision, a 10-lot (8-buildable, 2-common) residential subdivision. The 9.66-acre site is generally located on the west side of North Park Lane, approximately 1,780-feet south of West Beacon Light Road.

B. APPLICATION SUBMITTAL:

A Neighborhood Meeting was held at 660 East Civil Lane, Eagle, Idaho at 6:00 PM, on Thursday, February 27, 2025, in compliance with the application submittal requirement of Eagle City Code. The applications for this item were received by the City of Eagle on March 19, 2025. Revised narratives, preliminary plats, landscape plans, pressurized irrigation report, and fencing plans were received on April 21, May 28, June 25, July 11, and July 22, 2025. The owner of the property has consented in writing to the annexation of this property into the City of Eagle.

C. CONTIGUOUS TO CITY LIMITS:

The subject property is contiguous to Eagle city limits along the eastern, southern, and southwestern property boundaries.

Example 2

D. NOTICE OF PUBLIC HEARING:

Notice of Public Hearing on the applications for the Eagle Planning and Zoning Commission was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Eagle City Code on August 1, 2025. Notice of this public hearing was mailed to property owners in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Eagle City Code on August 1, 2025. The site was posted in accordance with the Eagle City Code on August 1, 2025. Requests for agencies' reviews were transmitted on April 1, 2025, in accordance with the requirements of the Eagle City Code.

Notice of Public Hearing on the applications for the Eagle City Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Eagle City Code on September 7, 2025. Notice of this public hearing was mailed to property owners in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Eagle City Code on September 4, 2025. The site was posted in accordance with the Eagle City Code on August 25, 2025.

E. HISTORY OF RELEVANT PREVIOUS ACTIONS:

There is no history of relevant previous actions.

F. COMPANION APPLICATIONS:

All applications are inclusive herein.

G. APPLICANT'S STATEMENT OF JUSTIFICATION OF A DEVELOPMENT AGREEMENT:

The applicant proposes to enter into a development agreement to guide future development of the site, as stated in the applicant's narrative dated July 22, 2025 (attached to the staff report).

Example 2

H. COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP DESIGNATIONS:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
Existing	Neighborhood	RUT (Rural-Urban Transition – Ada County designation)	Agricultural and Residential (1 single-family dwelling)
Proposed	No Change	R-1-DA (Residential with a development agreement)	Proposed Residential Subdivision
North of site	Neighborhood	R1 (Residential - Ada County Designation)	Agricultural
South of site	Neighborhood	R-2-DA (Residential with a development agreement)	Residential Subdivision (Henry’s Fork)
East of site	Neighborhood	R-2-DA (Residential with a development agreement)	Residential Subdivision (Soaring Feather)
West of site	Neighborhood	R-2-DA-P (Residential with a development agreement – PUD) and RUT (Rural-Urban Transition – Ada County designation)	Agricultural and Residential (1 single-family dwelling) and Residential Subdivision (Soaring Feather)

I. DESIGN REVIEW OVERLAY DISTRICT:

The site is located within the city-wide Design Review Overlay District.

J. SITE DATA:

Total Acreage of Site – 9.66

Total Number of Lots – 10

- Residential – 8
- Commercial – 0
- Industrial – 0
- Common – 2

Total Number of Units –

- Single-family - 8
- Single-family attached - 0
- Two-family - 0
- Multi-family - 0

Total Acreage of Any Out-Parcels – 0

Example 2

Additional Site Data	Proposed	Required
Dwelling Units Per Gross Acre	0.83-dwelling units per acre	0.83-dwelling units per acre maximum (as limited by the development agreement)
Minimum Lot Size	37,140-square feet	37,000-square feet
Minimum Lot Width	142-feet	100-feet
Minimum Street Frontage	36-feet	35-feet
Total Acreage of Common Area Open Space	0.88-acres	n/a
Percent of Site as Common Area Open Space	9.1%	9.1% (required buffer area)

K. GENERAL SITE DESIGN FEATURES:

Landscape Screening:

The preliminary plat landscape plan, date stamped by the City on June 25, 2025, shows a 50-foot wide common lot (Lot 7, Block 1) along the frontage of the subject property on North Park Lane. The common lot includes tree and shrub planting that provides a buffer from North Park Lane, which is designated as a minor arterial.

Common Area Open Space:

Pursuant to the proposed preliminary landscape plan, date stamped by the City on June 25, 2025. 9.1% open space is proposed and is composed of the buffer area along North Park Lane and Dry Creek Canal.

Storm Drainage and Flood Control:

Specific drainage system plans are to be submitted to the City Engineer for review and approval prior to the City Engineer signing the final plat. The plans are to show how swales, or drain piping, will be developed in the drainage easements. Also, the CC&R's are to contain clauses to be reviewed and approved by the City Engineer and City Attorney, requiring that lots be so graded that all runoff runs either over the curb, or to the drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.

Utility and Drainage Easements, and Underground Utilities:

Eagle City Code section 9-3-6 requires utility easements to be not less than ten feet (10') wide.

Fire Hydrants and Water Mains:

Hydrants are to be located and installed as required by the Eagle Fire District.

On-site Septic System:

No septic systems are proposed within the subdivision.

Example 2

Preservation of Existing Natural Features:

Staff is not aware of any existing natural features on the site which would be required to be preserved.

Preservation of Existing Historical Assets:

The Eagle Register of Historic Sites lists the existing house on the property as “N Park Lane house”. This house is an 1891 Tudor Revival that was moved to the site from Boise and has a Boise Architectural Landmark plaque labeling it as the “Wilson-Mott House”. The house and surrounding improvements will be retained on one of the residential lots so this historic building will be preserved. If any historical artifacts are discovered during excavation or development of the site, state law requires immediate notification to the state.

L. STREET DESIGN:

Private or Public Streets:

All streets within the subdivision are public streets. See the ACHD staff report, dated July 25, 2025, attached to the staff report.

Sidewalks:

Detached five foot (5') wide concrete sidewalks are proposed (separated by an eight foot (8') wide planter strip). The five foot (5') wide sidewalks are proposed on both sides of the streets and are located outside of public right-of-way, except for along the eastern side of Lot 1, Block 1. The ten foot (10') wide pathway located on the west side of North Park Lane is within the right-of-way, while the pathway connection along the New Dry Creek Canal is located outside of the public right-of-way.

Curbs and Gutters:

Curbs and gutters which meet Ada County Highway District standards are proposed for the interior streets.

Lighting:

Lighting for the proposed public streets is required. Location and lighting specifications incorporating a “Dark Sky” style of lighting shall be provided to the City Zoning Administrator prior to the submittal of the final plat. Any modifications made to the lighting shall be completed before the final plat approval.

Street Names:

Street names should be approved by the Ada County Street Naming Committee prior to submittal of a final plat application.

M. ON AND OFF-SITE PEDESTRIAN CIRCULATION:

Pedestrian Walkways:

The preliminary plat, date stamped by the City on July 11, 2025, shows 5-foot wide sidewalks (separated from the curb by an 8-foot wide planter strip) on both sides of the street. 10-foot wide regional pathways are proposed within one (1) common lot (Lot 7, Block 1) along North Park Lane and the New Dry Creek Canal that connect to an existing 8-foot wide pathway in Brush Creek Subdivision to the south and an existing 10-foot wide pathway along the New Dry Creek Canal to the north.

Future development to the north would provide further pedestrian connections to the proposed pathways.

Example 2

N. PUBLIC USES PROPOSED:

There are no public uses proposed within the subdivision.

O. AVAILABILITY AND ADEQUACY OF UTILITIES AND SERVICES:

The site is serviced by the Eagle Police Department and Eagle Fire Department. The site is within the service boundaries of Eagle Sewer District and Veolia Water. The property has been annexed into the Eagle Sewer District as indicated by an email to the City, dated April 16, 2025, and attached to the staff report.

P. SPECIAL ON-SITE FEATURES:

Areas of Critical Environmental Concern – none known
Evidence of Erosion – none known
Fish Habitat – none known
Floodplain – none known
Mature Trees – yes
Riparian Vegetation – none known
Steep Slopes – none known
Stream/Creek – none known
Unique Animal Life – none known
Unique Plant Life – none known
Unstable Soils – none known
Wildlife Habitat – none known

Q. SUMMARY OF REVIEW OF ENVIRONMENTAL ASSESSMENT PLAN:

No environmental features of concern were identified within the natural features analysis dated February 27, 2025 (attached to the staff report).

R. PROPOSED TIME SCHEDULE FOR THE DEVELOPMENT OF THE SITE:

The applicant has proposed one (1) phase of development.

S. AGENCY RESPONSES:

The following agencies have responded and their correspondence is attached to the staff report:

City Engineer
Ada County Highway District
Eagle Fire Department
Eagle Sewer District
Idaho Department of Environmental Quality
Idaho Transportation Department

T. RESPONSE FROM THE EAGLE PARKS, PATHWAYS, AND RECREATION COMMISSION (PPRC):

The PPRC's action report dated May 20, 2025, is attached to the staff report.

U. LETTERS FROM THE PUBLIC:

No letters from the public have been received to date.

Example 2

THE CITY COUNCIL RECEIVED AND REVIEWED THE FOLLOWING STAFF ANALYSIS PROVIDED WITHIN THE STAFF REPORT AND ADOPTS THE STAFF REPORT AS PART OF THE CITY COUNCIL'S FINDINGS OF FACT:

A. COMPREHENSIVE PLAN PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

The Comprehensive Plan Land Use Map (adopted November 15, 2017), designates this site as the following:

Neighborhood

Suitable for single family residential. Densities range from 2 units per acre to 4 units per acre.

Residential Transition Overlay

Residential development that provides for a transition between land use categories and uses. Commonly requires a transition/change in density, lot sizing, and building scaling with a specific parcel or project. Base densities may be reduced or units may be clustered to increase open space within a portion of a site when property is in this overlay. Neighborhood design will be paramount in this overlay to ensure appropriate transition between uses. See specific planning areas for further description.

CHAPTER 6: LAND USE

6.4.3 General Land Use Implementation Strategies

X. Require design treatments to provide compatibility of new development with existing development by considering such issues as transitional lot sizing, building orientation, increased setbacks, height limitations, size restrictions, design requirements, fencing, landscaping or other methods as determined through the development review process.

6.6 – Village Planning Area

Neighborhood Residential uses are designated south of Beacon Light to Floating Feather Road. This area is not intended to be master planned but does require great care in planning to ensure that uses are compatible and that the Village Center serves as the activity center of the area and is not taken over by residential uses.

6.6.1 (A) – Village Planning Area Uses/Design

2. Residential Uses should be developed as follows:

- b. Densities should decrease as distance increases from the village center. The overall densities in the Village Planning Area and in the Neighborhood Residential designation, south of Beacon Light Road, should average 1-2 units per acre.
- c. Lot sizing and compatibility will be paramount as residential development reaches the existing 2 and 5-acre lots in the area east of Linder Road and north of Floating Feather Road. Special care should be given to the feathering and clustering of residential units as development reaches the foothills/ Farmers Union Canal.

6.6.2 – Village Planning Area Access

- C. The Village Planning Area will be dependent upon the interconnectivity of local roads as the area develops.
- H. The design of the area should incorporate non-motorized pathways linking residential areas to the Village Center, foothills, and the existing Eagle Downtown.

CHAPTER 8: TRANSPORTATION

Example 2

8.4.1 – Roadway Strategies

P. Local and collector streets through residential neighborhoods are recommended to provide connectivity while being designed to preserve the character of the surrounding neighborhoods through appropriate design techniques, including street width, traffic calming, and traffic control. The goal of the local street system is to provide for local circulation within Eagle and not for regional traffic. Cul-de-sac streets and private streets should be discouraged. In order to provide this connectivity, new developments should be required to stub access to adjacent undeveloped or underdeveloped parcels consistent with ACHD road spacing standards. All new developments should be reviewed for appropriate opportunities to connect to local roads and collectors in adjacent developments.

B. ZONING CODE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

- Eagle City Code Section 8-2-1: Districts Established, Purposes and Restrictions:

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in an R district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. Multi-family and two-family units/developments are prohibited in R-1, R-2, R-3, R-4 and R-5 zoning districts, unless approved as part of a planned unit development (PUD). Centralized water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per two (2) acres (R-E). Whenever there is a conflict or difference between the provisions of this section and those of other chapters and/or other titles, the chapter or title with the more restrictive provision shall prevail.

DA DEVELOPMENT AGREEMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement. Specific provisions, as may have been incorporated within the development agreement, are applicable to development within this zoning designation.

- Eagle City Code Section 8-2-4: Schedule of Building Height and Lot Area Regulations:

Zoning District	Maximum Height	Minimum Yard Setbacks Note Conditions A To E*				Maximum Lot Covered F And J*	Minimum Lot Area (Acres Or Square Feet) H*	Minimum Lot Width I*
		Front	Rear	Interior Side	Street Side			
R-1	35'	30'	30'	15'	30'	35%	37,000	100'

B. Additional 5 feet per story side setback is required for multi-story structures. Height not to exceed maximum allowed within the zone.

G. All front load garages shall be set back a minimum of 25 feet from the back of sidewalk.

- Eagle City Code Section 8-2A-7 (J)(4): Landscape and Buffer Area Requirements:

b. Any road designated as a minor arterial on the master street map typologies map in the Eagle comprehensive plan:

A minimum of fifty feet (50') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: five (5) shade trees, eight (8) evergreen trees, three (3) flowering/ornamental trees, and twenty

Example 2

four (24) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted.

A minimum five foot (5') high, maximum eight foot (8') high, berm, decorative block wall, cultured stone, decorative rock, or similarly designed concrete wall, or combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. If a decorative block wall, cultured stone, decorative rock, or similarly designed concrete wall is to be provided, in combination with the berm, a four foot (4') wide flat area shall be provided for the placement of the decorative wall. Chainlink, cedar, and similar high maintenance and/or unsightly fencing shall not be permitted.

- Eagle City Code Section 8-3-3: Supplemental Yard and Height Regulations:

- B. Fences:

1. In any front yard area, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and one-half feet (2 1/2') measured from the centerline grade of the adjacent street. Picket style fences where fifty percent (50%) of the fence remains open may be permitted up to four feet (4') in height. Chainlink fencing is prohibited in any front yard area.
2. Fencing located adjacent to any street identified as a collector or arterial on the transportation and pathway network plan in the Eagle comprehensive plan, and on the street side of all corner lots, shall be an open fencing style such as wrought iron or other similar see through, decorative, durable fencing material, except as otherwise may be permitted in subsection 8-2A-7J of this title.
3. Chainlink fencing is prohibited in the R (Residential) Zoning District.
4. A permit is required prior to the construction of a fence in any front yard area and along any street within the City subject to the application requirements established in section 8-7-2 of this title.

- Eagle City Code Section 8-3-5: Unique Land Uses:

- A. Accessory Structure:

1. Will not be located in any required front or street side yard area within the R-E, R, and MU zoning districts. Accessory structures located with the A and A-R zoning districts may be permitted within the front or street side yard area and shall comply with the minimum setbacks as required in section 8-2-4 of this title, in which case the exterior design of the accessory structure will be compatible with the principal residence on the lot and shall not detract from the single-family appearance of the lot or obscure and confuse the front entrance of the principal structure. For the purposes of implementing this section, the term compatible shall mean similar exterior building materials and form, including but not limited to similar: building shape and height, roof pitch, colors, siding, wainscoting, windows, and doors;

Example 2

C. SUBDIVISION CODE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

- Eagle City Code Section 9-4-1-6: Pedestrian/Bicycle Pathway and Sidewalk Regulations:
 - A. Intent: The placement of pathways is intended to encourage nonmotorized forms of travel, and to provide safe, convenient and aesthetic alternative travel routes to common destinations such as schools, parks, shopping centers, etc. The following factors will be considered in the placement of any pathway: the utility and need for a given pathway, impacts to existing neighborhoods, compliance with the comprehensive plan and trails and pathways master plan pathway design as it relates to both crime prevention and function, and the responsibilities of ownership, maintenance, and liability.
 - B. Location:
 - 1. The city shall require the creation and maintenance of pathways (except in cases where it is shown to be inappropriate), that provide access to adjacent:
 - a. Schools;
 - b. Public parks;
 - c. Adopted pathway elements within the comprehensive plan trails and pathways master plan;
 - d. Neighborhoods;
 - e. Shopping areas;
 - f. Public lands;
 - g. Transportation or other community facilities, and vacant parcels, held either publicly or privately which could provide future neighborhood connection(s) to the above noted sites; and
 - h. In similar cases where deemed appropriate.
 - 2. In addition, pathways may be required to connect sites other than those noted above:
 - a. When there is evidence that a pedestrian/cyclist would otherwise be forced to travel alongside a designated arterial roadway, or other roadway that may be hazardous for nonmotorized forms of travel, in order to reach the desired destination, or
 - b. When the pedestrian/cyclist would otherwise have to travel a distance of more than one-half (1/2) mile alongside a local or collector roadway in order to reach the desired destination.
 - D. Pathways:
 - 5. Classifications
 - a. Regional:
 - (1) The tread shall be a minimum of ten feet (10') in width
 - (2) Shall be constructed to the City Pathways and Trails Design and Construction Standards, unless otherwise approved by the City.
 - (3) Shall be maintained by the City, HOA, developer, or property owner, as determined by the City.
 - (4) Tread surface shall be determined by the City

Example 2

- (5) Shall include a twenty-five foot (25') wide public access easement for City maintained Pathways. All Pathways not dedicated to the City shall have an easement width of a minimum of the tread width plus four feet (4') on each side unless the pathway is located within a public right-of-way, then an easement is not required. The City may grant an exception to the required easement width
- (6) Adequate lighting for bridges and tunnels may be required as determined by the City.
- (7) To mitigate congestion along roadways related to regional pathways, off-street public parking may be required by the City.

B. DISCUSSION:

- The existing house located on Lot 4, Block 1, is listed in the Eagle Register of Historic Sites and has a Boise Historic Landmark Plaque highlighting its historic significance. The Tudor Revival architecture of the primary structure located on Lot 4, Block 1, should be required to be maintained and should be exempt from conforming to the architectural elevations within the development agreement.
- The applicant has proposed sidewalks located outside of the public right-of-way, except for approximately 115-feet along the east side of Lot 1, Block 1. Pursuant to site specific condition #5 of ACHD's report dated July 25, 2025, sidewalk should be located wholly within right-of-way or wholly within an easement. The applicant should provide a revised preliminary plat showing the sidewalk located entirely outside of the right-of-way and within a public access easement that measures from the right-of-way line to 2-feet behind back of sidewalk. The revised preliminary plat should be provided prior to submittal of a final plat application.
- The applicant has proposed a 10-foot wide regional pathway located within a 25-foot wide easement along the New Dry Creek Canal to the northeast of the site. The instrument numbers of the recorded license agreement with New Dry Creek and the pathway easement in the favor of the City of Eagle should be referenced on the face of the plat prior to the City Clerk signing the final plat.
- The applicant has proposed a 50-foot wide common lot (Lot 7, Block 1) between North Park Lane, a minor arterial road, and the buildable lots within Sintra Subdivision. Pursuant to Eagle City Code Section 8-2A-7(J)(4)(b), a minimum of a 50-foot wide buffer area (not including right-of-way) shall be provided with a minimum 5-foot high, maximum 8-foot high, berm, decorative block wall, cultured stone, decorative rock, or similarly designed concrete wall, or combination thereof shall be provided within the buffer area. The applicant should provide a revised preliminary plat showing the buffer located on Lot 7, Block 1, designed pursuant to Eagle City Code Section 8-2A-7(J)(4)(b). The preliminary plat should be provided prior to submittal of a design review application.
- The Eagle Parks, Pathways, and Recreation Commission (PPRC) reviewed the proposed pathways associated with the development and the Commission's recommendations are reflected in the action report, dated May 20, 2025, attached to the staff report. The applicant should be required to comply with the site specific conditions as outlined in the report, dated May 20, 2025. The required pathways and amenities should be completed prior to the City Clerk signing the final plat.

PUBLIC HEARING OF THE COMMISSION:

- A. A public hearing on the applications was held before the Planning and Zoning Commission on August 18, 2025, at which time testimony was taken and the public hearing was closed. The Commission made their recommendation at that time.

Example 2

- B. Oral testimony in favor of the application was presented to the Planning and Zoning Commission by one (1) individual (not including the applicant/representative) who presented the following:
 - The applicant is proposing a high-quality residential product.
- C. Oral testimony in opposition to the application was presented to the Planning and Zoning Commission by no one.
- D. Oral testimony neither in opposition to nor in favor of the applications was presented to the Planning and Zoning Commission by one (1) individual who indicated they have the following concerns:
 - The project site has existing Willow trees along the northern property boundary that are a danger to adjacent properties, due to their age and expected life span.

COMMISSION DELIBERATION:

Upon closing the public hearing, the Commission made a motion based upon the information provided by staff and the testimony provided. A summary of the deliberation can be found at the following link (Granicus time: 00:32:10): https://eagle-id.granicus.com/player/clip/2124?view_id=1&redirect=true

COMMISSION DECISION REGARDING THE ANNEXATION AND REZONE:

The Commission voted 5 to 0 to recommend approval of A-2025-02/RZDA-2025-03 for annexation and rezone from RUT (Rural-Urban Transition – Ada County designation) to R-1-DA (Residential with a development agreement) with the conditions to be placed within a development agreement as provided within their findings of fact and conclusions of law document, dated September 2, 2025.

COMMISSION DECISION REGARDING THE PRELIMINARY PLAT:

The Commission voted 5 to 0 to recommend approval of PP-2025-02 for a preliminary plat for Sintra Subdivision with the site specific conditions of approval and standard conditions of approval provided within their findings of fact and conclusions of law document, dated September 2, 2025.

PUBLIC HEARING OF THE COUNCIL:

- A. A public hearing on the applications was held before the City Council on September 23, 2025, at which time testimony was taken and the public hearing was closed. The Council made their decision at that time.
- B. Oral testimony in favor of the application was presented to the City Council by no one (not including the applicant/representative).
 - During their presentation, the applicant stated that the existing historic house located on Lot 4, Block 1, will be retained on the property
- C. Oral testimony in opposition to the application was presented to the City Council by no one.

COUNCIL DECISION REGARDING THE ANNEXATION AND REZONE:

The Council voted 4 to 0 to approve A-2025-02/RZDA-2025-03 for annexation and rezone from RUT (Rural-Urban Transition – Ada County designation) to R-1-DA (Residential with a development agreement) with the following Planning and Zoning Commission recommended conditions to be placed within a development agreement:

- 3.1 The maximum density for the Property shall be 0.83 dwelling units per acre (8 single-family detached dwellings).

Example 2

- 3.2 Owner will develop the Property subject to the conditions and limitations set forth in this Development Agreement. Further, Owner will submit such applications regarding floodplain development permit review, design review, preliminary and final plat reviews, and/or any conditional use permits, if applicable, and any other applicable applications as may be required by the Eagle City Code, which shall comply with the Eagle City Code, as it exists at the time such applications are made except as otherwise provided within this Agreement.
- 3.3 The Concept Plan (**Exhibit C**) represents the Owner's current concept for completion of the project. As the Concept Plan evolves, the City understands and agrees that certain changes in that concept may occur. If the City determines that any such changes require additional public comment due to potential impacts on surrounding property or the community, a public hearing shall be held on any proposed changes in the Concept Plan, notice shall be provided as may be required by the City.
- 3.4 The conditions, covenants and restrictions for the Property shall contain at least the following:
- (a) An allocation of responsibility for repair and maintenance of all community and privately owned landscaping, pressurized irrigation facilities, fences shown, and amenities. The owner shall provide an operation and maintenance manual including the funding mechanism as an addendum to the CC&Rs and the repair and maintenance requirement shall run with the land and that the requirement cannot be modified and that the homeowners association or other entity cannot be dissolved without the express consent of the City.
 - (b) A requirement for all fencing to be installed as shown on the Fencing Plan (**Exhibit D**). All other fencing (i.e. dog-eared cedar fencing, chainlink) shall be prohibited.
 - (c) A maintenance manual for the streetlight(s) requiring that the association shall have the duty to maintain and operate the light fixtures including the repair and replacement of the fixture, any associated electrical supply, and light bulbs, in perpetuity.
 - (d) A requirement that in the event any of the CC&Rs are less restrictive than any government rules, regulations or ordinances, then the more restrictive government rule, regulation or ordinances shall apply. The CC&Rs are subject to all rules, regulations, laws and ordinances of all applicable government bodies. In the event a governmental rule, regulation, law or ordinance would render a part of the CC&Rs unlawful, then in such event that portion shall be deemed to be amended to comply with the applicable rule, regulation, law or ordinance.
 - (e) A requirement that Homeowner's Association shall have the duty to maintain the pressurized irrigation system and all common landscape areas in the subdivision are maintained in a competent and attractive manner, including the watering, mowing, fertilizing and caring for shrubs and trees in perpetuity. (ECC 9-4-1-9[C][1])
 - (f) A requirement to comply with the approved building lot regulations including the minimum setbacks, maximum height, and maximum lot coverage standards. Additionally, the city approved architectural imagery or style guidelines that are included within the development agreement shall be included as reference exhibits within the CC&Rs.
- 3.5 A letter of approval shall be provided to the City from the Eagle Sewer District indicating that the property has been annexed into the Eagle Sewer District's service boundaries prior to the submittal of a final plat application. Owner shall comply with all applicable Eagle Sewer District's regulations and conditions prior to the submittal of a final plat application. Prior to issuance of any building permits, Owner shall provide proof of central sewer service to the proposed residential use.

Example 2

- 3.6 The single-family dwellings shall be constructed in substantial conformance to the styles of architecture as shown in **Exhibit “E”**.

To assure compliance with this condition, the applicant shall create an architectural control committee (ACC) as a component of the development’s CC&Rs. Provisions regarding the creation and operating procedures of the ACC shall be included in the CC&Rs and shall be reviewed and approved by the City attorney prior to the approval of the first final plat.

The submittal of the building permit application to the City for each structure within the development shall be accompanied by an approval letter from the Architectural Control Committee. Building permit applications that do not have an approval letter attached will not be accepted.

To assure compliance with the conditions of approval herein, the City reserves the right to deny, at its discretion, any building permit application that does not substantially conform to the design requirements as shown on the **Exhibit “E”**. If a building permit is denied, the applicant shall have the right to appeal the decision to the Eagle City Council in accordance with Eagle City Code Section 8-7-4-1.

- 3.7 Owner shall not file a protest with the Idaho Department of Water Resources against the City of Eagle regarding water rights application(s) for the construction of any municipal wells located within the City of Eagle water service area. Owner shall not apply for additional ground water rights associated with the Property irrigation system.
- 3.8 The Tudor Revival architectural style of the primary structure located on Lot 4, Block 1, shall be required to be retained and shall be exempt from the styles of architecture shown in Exhibit “E”. The existing house shall not be removed from the property. The exterior appearance of the house shall not be modified (except for the purposes of maintenance and is permitted through written approval from the City).
- 3.9 To allow for the future installation of municipal fiber-optic cable, the applicant shall be required to install municipal fiber-optic conduit lines along all streets in accordance with the City’s Fiber Master Plan. The applicant shall conduct a pre-application meeting with the City of Eagle Fiber Department prior to submittal of a final plat application. Upon completion of the installation of the municipal fiber-optic conduit lines, the applicant shall provide GIS coordinates of the locations of the municipal fiber-optic conduit lines. The municipal fiber-optic conduit lines shall be installed, GIS coordinates provided, and the fiber-optic conduit lines shall be dedicated to the City prior to the City Clerk signing the final plat.

COUNCIL DECISION REGARDING THE PRELIMINARY PLAT:

The Council voted 4 to 0 to approve PP-2025-02 for a preliminary plat for Sintra Subdivision with the following Planning and Zoning Commission recommended site specific conditions of approval and standard conditions of approval.

SITE SPECIFIC CONDITIONS OF APPROVAL:

1. Comply with all conditions within the development agreement for rezone application RZDA-2025-03.
2. Comply with all requirements of the City Engineer.
3. The applicant shall submit payment to the City for all engineering and legal fees incurred for reviewing this project, prior to the City Clerk signing the final plat and/or upon receipt of an invoice by the City, whichever occurs first.

Example 2

4. The developer shall provide shade-class trees (landscape plan to be reviewed and approved by the Design Review Board) along both sides of all streets within this development. Trees shall be placed at the front of each lot generally at each side property line, or as approved by the Design Review Board. The trees shall be located within an eight foot (8') wide landscape strip between the five foot (5') wide concrete sidewalk and the curb. Any and all drainage swales and/or seepage beds shall be placed so as to not interfere with the required placement of street trees. Prior to the City Clerk signing the final plat the applicant shall either install the required trees, sod, and irrigation or provide the City with a letter of credit for 150% of the cost of the installation of all landscape and irrigation improvements. Trees shall be installed prior to obtaining any occupancy permits for the homes.

A temporary occupancy may be issued if weather does not permit landscaping. Partial reduction of the surety may be permitted for any portion of the development that is completed, including street trees that have been installed. On-going surety for street trees for all undeveloped portions of the development will be required through project completion.

5. The developer shall provide a detailed arborist report and an existing tree inventory map identifying all existing trees located on site. The report shall identify, at a minimum, species, size, and health of the trees. The arborist report and map shall be provided with the submittal of a design review application. The developer shall provide a narrative indicating which trees will be incorporated into the design of the subdivision and which trees will be removed prior to removal of the trees. No trees shall be removed from the site prior to city approval of a tree removal plan.
6. The developer shall submit a design review application showing at a minimum: 1) proposed development signage, 2) planting details within the proposed and required landscape islands and all common areas throughout the development, 3) elevation plans for all proposed common area structures and irrigation pump house (if proposed), 4) landscape screening details of the irrigation pump house (if proposed), 5) useable amenities such as picnic tables, covered shelters, benches, gazebos, and/or similar amenities, 6) all proposed fencing throughout the development, and 7) street lights. The design review application shall be reviewed and approved by the Eagle Design Review Board prior to the submittal of a final plat application.
7. Any fencing located adjacent to common area open spaces and on the street side of all corner lots shall be an open fencing style such as wrought iron or other similar decorative style, durable fencing material. Specific buffer area fences and decorative walls may be allowed as otherwise required in ECC Section 8-2A-7 (J).
8. Sintra Subdivision shall remain under the control of one Homeowners Association. (ECC 9-3-8[D][4]).
9. All plat notes that are required on the preliminary plat shall be transferred to the final plat prior to submittal of a final plat application.
10. The applicant shall place a 4' x 8' subdivision sign(s) containing information regarding the proposed development. The subdivision sign(s) shall be located along each roadway that is adjacent to the Property. The subdivision sign(s) shall be located on the Property outside of the public right-of-way and remain clearly visible from the roadway.

Example 2

11. The following setbacks, minimum lot width, and lot coverage requirements shall apply:

Front	30-feet
Rear	30-feet
Interior Side	15-feet (first story) 5-feet (each additional story)
Street Side	30-feet
Maximum Lot Coverage	35%
Minimum Lot Width	100-feet

12. Pursuant to site specific condition #5 of ACHD's report dated July 25, 2025, sidewalks shall be located entirely within right-of-way or wholly within an easement. The applicant shall provide a revised preliminary plat showing the sidewalk located entirely outside of the right-of-way and within a public access easement that measures from the right-of-way line to 2-feet behind back of sidewalk. The revised preliminary plat shall be provided prior to submittal of a final plat application.
13. The instrument numbers of the recorded license agreement with New Dry Creek and the pathway easement in the favor of the City of Eagle shall be referenced on the face of the final plat prior to the City Clerk signing the final plat.
14. The applicant shall provide a revised preliminary plat showing the 50-foot buffer located on Lot 7, Block 1, designed pursuant to Eagle City Code Section 8-2A-7(J)(4)(b). The preliminary plat shall be provided prior to submittal of a design review application.

The following conditions of approval reflect the recommendation made by the City of Eagle Parks, Pathways, and Recreation Commission at the meeting on May 15, 2025:

15. For all alignments in EXHIBIT B of the PPRC action report shown as REGIONAL – 10-foot wide, the developer shall provide a 10-foot wide concrete pathway built to approved City standards, at a minimum.
16. The developer shall provide public access easements in favor or the City of Eagle for all alignments in EXHIBIT B of the PPRC action report shown as "REGIONAL". Public use shall be limited to the pathway tread and connecting facilities and equipment intended for pathway users which may include, but are not limited to, benches, drinking water sources, dog bag dispensers/waste receptacles, and bike repair stations.
17. For all alignments in EXHIBIT B of the PPRC action report shown as SIDEWALK, the developer shall provide sidewalks that comply with ACHD requirements.
18. The developer shall provide dog waste bag dispensers/waste receptacles (at locations agreed upon by City staff in writing) at the time of a design review application submittal.
19. Curb ramps shall be provided where sidewalks and pathways meet streets, alleys, or other curb cuts, or where they are permitted by ACHD.
20. The intersections of pathways, sidewalks, and trails shall have a minimum radius of eight feet (8') to eliminate sharp turns or blind corners.
21. Public trails and pathways that are anticipated to connect to an adjacent trail or pathway in the future shall employ a cul-de-sac design at its terminus, as is described in detail in the CITY OF EAGLE TRAIL AND PATHWAY DESIGN AND CONSTRUCTION STANDARDS. The public access easement shall extend to the parcel boundary and allow possible connection to adjacent development and allow the City, or City authorized parties, and adjacent developers, to make alterations within the easement. Such alterations to elements include, but are not limited to, connection to other trails and pathways, landscaping, fencing, irrigation equipment, and signage.

Example 2

22. If trails or pathways are to be maintained by the City, the developer shall provide maintenance access easements 25-feet in width in favor of the City of Eagle, with a minimum 4-foot margin on each side of the pathway tread within any part of the easement where possible for all alignments shown as “REGIONAL” and “COMMUNITY”. These easements shall not limit the developer in landscape design beyond the standards established in the trail and pathway standards and Title 9. Staging and vehicle access locations shall be determined and included in the maintenance agreement and related easements.
23. Easement provision language shall include the following: “The City of Eagle may construct, connect, or continue within these easements, public pathways as part of future system expansion, and may authorize staff, contractors, or neighboring developers to facilitate such improvements within these easements from any boundary to another public pathway easement or easements, or to parcels included in any public access agreement.”
24. The developer shall be permitted to obtain easements for pathway and/or trail construction that is outside of the current project footprint as long as the integrity of the existing pathway and trail network would not be compromised by any proposed additions and necessary realignments, as is determined by City staff.
25. Public access easement agreements and an associated survey (that depicts the location of each pathway or trail located within the easement) shall be submitted to the City prior to the City Clerk signing the final plat associated with the first phase of the development.
26. Pathways and trails shall be constructed and a survey (that depicts the location of each pathway or trail located within the easement) shall be submitted to the City prior to the City Clerk signing the final plat for each phase of development.
27. The developer and future homeowners association shall provide maintenance of all pathways, in perpetuity.
28. The City shall reserve the right to display signage within all public access easements similar to what is shown in Exhibit E of the PPRC action report.
29. Maintenance vehicle access (for City maintained trails) is to be provided. Design to be approved by the City in writing prior to the beginning of construction of that portion of the trail.
30. Hammerheads (for maintenance vehicle turnaround) shall be provided for all City maintained trails where only one access is available or where a trail terminates without access to a public roadway.
31. Material staging areas for large maintenance projects shall be designed and documented, and available for use within 30-days of written notice provided by the City, for any pathway that will be maintained by the City.
32. Signage, including the physical form, materials, placement, and message, that the developer or HOA wishes to display within public access easement(s) must be approved in writing by the City.

NOTE: In the event a Standard Condition of Approval conflicts with a Site Specific Condition of Approval contained herein the Site Specific Condition of Approval shall control.

STANDARD CONDITIONS OF APPROVAL:

The applicant shall comply with all requirements of the Ada County Highway District and/or the Idaho Transportation Department, including but not limited to approval of the drainage system, curbs, gutters, streets and sidewalks.

1. Correct street names, as approved by the Ada County Street Name Committee, shall be placed on the plat prior to the City Engineer signing the final plat.

Example 2

2. Complete water and sewer system construction plans shall be reviewed and approved by the City Engineer. Required improvements shall include, but not be limited to, extending all utilities to the platted property. The developer may submit a letter in lieu of plans explaining why plans may not be necessary.
3. Idaho Department of Health & Welfare approval of the sewer and water facilities is required prior to the City Engineer signing the final plat (I.C. Title 50, Chapter 13 and I.C. 39-118).
4. Written approval of all well water for any shared or commercial well shall be obtained from the Idaho Department of Water Resources prior to the City Engineer signing the final plat.
5. Unless septic tanks are permitted, wet line sewers will be required and the applicant will be required to furnish the City Engineer with a letter from the sewer entity serving the property, accepting the project for service, prior to the City Engineer signing the final plat.
6. All homes being constructed with individual septic systems shall have the septic systems placed on the street side of the home or shall have their sewer drainage system designed with a stub at the house front to allow for future connection to a public sewer system.
7. Per Idaho Code, Section 31-3805, concerning irrigation rights, transfer and disclosure, the water rights appurtenant to the lands in said subdivision which are within the irrigation entity will be transferred from said lands by the owner thereof; or the subdivider shall provide for underground title or other like satisfactory underground conduit to permit the delivery of water to those landowners within the subdivision who are also within the irrigation entity.

See Eagle City Code Section 9-4-1-9(C) which provides overriding and additional specific criteria for pressurized irrigation facilities.

Plans showing the delivery system must be approved by a registered professional engineer and shall be approved by the City Engineer prior to the City Engineer signing the final plat.

8. The applicant shall submit a letter from the appropriate drainage entity approving the drainage system and/or accepting said drainage; or submit a letter from a registered professional engineer certifying that all drainage shall be retained on-site prior to the City Engineer signing the final plat. A copy of the construction drawing(s) shall be submitted with the letter.
9. Drainage system plans shall be submitted to the City Engineer for review and approval prior to the City Engineer signing the final plat. The plans shall show how swales, or drain piping, will be developed in the drainage easements. The approved drainage system shall be constructed, or a surety shall be submitted to the City Clerk, prior to the City Engineer signing the final plat. The CC&R's shall contain clauses to be reviewed and approved by the City Engineer and City Attorney, prior to the City Engineer signing the final plat, requiring that lots be so graded that all runoff runs either over the curb, or to the drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.
11. No ditch, pipe or other structure, or canal, or drain, for irrigation water or irrigation waste water owned by an organized irrigation district, canal company, ditch association, drainage district, drainage entity, or other irrigation entity, shall be obstructed, routed, covered or changed in any way unless such obstruction, rerouting, covering or changing has first been approved in writing by the entity. A Registered Engineer shall certify that any ditch rerouting, piping, covering or otherwise changing the existing irrigation or waste ditch (1) has been made in such a manner that the flow of water will not be impeded or increased beyond carrying capacity of the downstream ditch; (2) will not otherwise injure any person or persons using or interested in such ditch or their property; and (3) satisfied the Idaho Standards for Public Works Construction. A copy of such written approval and certification shall be filed with the construction drawing and submitted to the City Engineer prior to the City Engineer signing the final plat.

Example 2

12. Encroachments including, but not limited to, landscaping, fencing, lighting, and/or pathways shall not be located within any easement or right-of-way for any ditch, pipe or other structure, or canal, or drain, used for irrigation water or irrigation waste water without the express written approval of the organized irrigation district, canal company, ditch association, drainage district, drainage entity or other irrigation entity associated with such ditch, pipe or other structure, drainage or canal. The applicant shall submit a copy of the written approval from the irrigation entity, drainage district, or drainage entity prior to the City Clerk signing the final plat.
10. Street light plans shall be submitted and approved as to the location, height and wattage to the City Engineer prior to the City Engineer signing the final plat. All construction shall comply with the City's specifications and standards.

The applicant shall delineate on the face of the final plat an easement, acceptable to the City Engineer, for the purpose of installing and maintaining street light fixtures, conduit and wiring lying outside any dedicated public right-of-way, prior to the City Engineer signing the final plat. Whether located inside or outside of the public right-of-way the perpetual maintenance of the street lights shall be the responsibility of the applicant, subdivider, business owner, homeowner, or homeowner's/business owner's association, whichever the case may be.

The applicant shall pay applicable street light inspection fees on the proposed subdivision prior to signing of the final plat by the Eagle City Engineer.

14. The applicant shall submit cut sheets showing street lighting details for review and approval by the Zoning Administrator prior to the submittal of the final plat. The plans shall show how the streetlights will facilitate the "Dark Sky" concept of lighting.
15. The applicant shall provide utility easements as required by the public utility providing service, and as may be required by the Eagle City Code, prior to the City Engineer signing the final plat.
16. An approval letter from the Eagle Fire Department shall be submitted to the City prior to the City Engineer signing the final plat. The letter shall include the following comments and minimum requirements, and any other items of concern as may be determined by the Eagle Fire Department officials:
 - a. The applicant has made arrangements to comply with all requirements of the Fire Department.
 - b. The proposed fire hydrant locations shall be reviewed and be approved in writing by the Eagle Fire Department prior to the City Engineer signing the final plat.
 - c. Minimum flow per hydrant shall be 1,000 gallons per minute for one and two family dwellings, 1,500 gallons per minute for dwellings having a fire area in excess of 3,600 square feet, and 1,500 gallons per minute (i.e.; Commercial, Industrial, Schools, etc.). Flow rates shall be inspected in accordance with all agencies having jurisdiction, and shall be verified in writing by the Eagle Fire Department prior to issuance of any building permits.
 - d. The proposed fire protection system shall be reviewed and approved by the Eagle Fire Department prior to issuance of a building permit.

Example 2

17. Covenants, homeowner's association by-laws or other similar deed restrictions, acceptable to the Eagle City Attorney which provide for the use, control and mutual maintenance of all common areas, storage facilities, recreational facilities, street lights or open spaces shall be reviewed and approved by the Eagle City Attorney prior to the City Engineer signing the final plat.

A restrictive covenant must be recorded and a note on the face of the final plat is required, providing for mutual maintenance and access easements.

Appropriate papers describing decision-making procedures relating to the maintenance of structures, grounds and parking areas shall be reviewed and approved by the Eagle City Attorney prior to the City Engineer signing the final plat.

18. Should the homeowner's association be responsible for the operation and maintenance of the storm drainage facilities, the covenants and restrictions, homeowner's association by-laws or other similar deed restrictions acceptable to the Eagle City Attorney shall be reviewed and approved by the Eagle City Attorney prior to the City Engineer signing the final plat.
19. The applicant shall submit an application for Design Review, and shall obtain approval for all required landscaping, common area and subdivision signage prior to the City Engineer signing the final plat.
20. Any recreation area, greenbelt area or pathway area along the Boise River, Dry Creek or any other area designated by the City Council or Eagle Parks, Pathways and Recreation Commission for a path or walkway shall be approved in writing by the Eagle City Parks, Pathways and Recreation Commission prior to approval of the final plat by the City Council.
21. Conservation, recreation and river access easements (if applicable) shall be approved by the staff and the City Engineer and shall be shown on the final plat prior to issuance of a building permit or Certificate of Occupancy, whichever occurs first.
22. The applicant shall place a note on the face of the plat which states: "Minimum building setback lines shall be in accordance with the applicable zoning and subdivision regulations at the time of issuance of the building permit or as specifically approved and/or required".
23. The applicant shall comply with the provisions of the Eagle City Code, pertaining to floodplain and river protection regulations (if applicable) prior to the City Engineer signing the final plat.
24. The development shall comply with the Boise River Plan (if applicable) in effect at the time of City Council consideration of the final plat.
25. The applicant shall obtain written approval of the development relative to the effects of the Boise River floodplain (if applicable) from the Corps of Engineers prior to approval of the final plat by the City Engineer.
26. The applicant shall obtain approval of the development relative to its effects on wetlands or other natural waterways (if applicable) from the Corps of Engineers and the Idaho Department of Water Resources and/or any other agency having jurisdiction prior to the City Engineer signing the final plat.
27. Basements in homes in the flood plain are prohibited.
28. The Americans with Disabilities Act, Uniform Building Code, Eagle City Code, Eagle Comprehensive Plan, and all applicable County, State and Federal Codes and Regulations shall be complied with. All design and construction shall be in accordance with all applicable City of Eagle Codes unless specifically approved by the Commission and/or Council.

Example 2

29. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest submits application to the City of Eagle for a change to the planned use of the subject property.
30. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by the Eagle City Code Title 9 "Land Subdivisions" until the final plat has received the approval of the City Council (ECC 9-6-5 (A) (2)).

After Council approval of the final plat, the applicant may construct any approved improvements before the City Engineer signs the final plat. The applicant shall provide a financial guarantee of performance in the amount of 150% of the total estimated cost for completing any required improvements (see resolution 98-3) prior to the City Engineer signing the final plat. The financial guarantee shall be a Letter of Credit, Certificate of Deposit, cash deposit or certified check.

31. In accordance with Eagle City Code, if a final plat application is not filed within two (2) years following City Council approval the preliminary plat application shall be null and void, unless a time extension is granted by the City Council.
32. Prior to submitting the final plat for recording, the following must provide endorsements or certifications: Owners or dedicators, Registered Land Surveyor, County Engineer, Central District Health Department, Ada County Treasurer, Ada County Highway District Commissioners, City Engineer, and City Clerk.
33. The City's actions on the application does not grant the applicant any appropriation of water or interference with existing water rights. The applicant indemnifies and holds the City harmless for any and all water rights, claims in any way associated with this application.
34. The applicant shall take care to locate and protect from damage existing utilities, pipelines and similar structures. Documentation indicating that "Digline" has performed an inspection of the site shall be submitted prior to the issuance of any building permits for the site.
35. Place a note on the final plat which states in general that surrounding land with farm uses and related activities shall be protected pursuant to the Idaho Right to Farm Act.
36. The applicant shall install at the entrance to the subdivision a 4' x 4' plywood or other hard surface sign (mounted on two 4"x 4" posts with the bottom of the sign being a minimum of 3-feet above the ground) noticing the contractors to clean up daily, no loud music, and no dogs off leash.

Example 2

37. Owner shall provide a “Heavy Truck Traffic Plan” to be followed by any vehicle, machinery, or equipment weighing 25,000 pounds or more, as measured by the Gross Vehicle Weight Rating (GVWR). The submitted plan shall:
- Graphically show all proposed designated route(s) in which heavy truck traffic is permitted to utilize.
 - State the days and hours in which heavy truck traffic is permitted to utilize the designated route(s).
 - Maximize the use of highways and principal arterials while minimizing the use of local residential streets.
 - State that compression braking is prohibited everywhere in Ada County.
 - Include certification that the Owner understands that they are responsible for continually communicating the approved plan to all sub-contractors and for monitoring compliance.
- A Heavy Truck Traffic Plan that corresponds with each phase of development shall be submitted at the time of the submittal of a final plat application.
38. The applicant shall provide a construction site dust control mitigation plan to be reviewed and approved by staff prior to the issuance of a “Notice to Proceed” with construction letter.

CONCLUSIONS OF LAW:

1. The Council reviewed the particular facts and circumstances of this proposed rezone upon annexation (A-2025-02/RZDA-2025-03) with regard to Eagle City Code Section 8-7-5 “Action by the Commission and Council”, and based upon the information provided concludes that the proposed rezone upon annexation is in accordance with the City of Eagle Comprehensive Plan and established goals and objectives because:
 - a. The requested zoning designation of R-1-DA (Residential with a development agreement) is consistent with the Neighborhood designation as shown on the Comprehensive Plan Land Use Map because Sintra Subdivision will be a single family residential development with a density of 0.83 du/ac which is less than the 1-2 du/ac called for within the Neighborhood designations south of Beacon Light Road in the Village Planning Area;
 - b. The information provided from the agencies having jurisdiction over the public facilities needed for this site indicates that adequate public facilities exist, or are expected to be provided, to serve the uses allowed on this property under the proposed zone with development agreement;
 - c. The proposed R-1-DA (Residential with a development agreement) zoning district is compatible with the RUT (Rural-Urban Transition – Ada County Designation) zone and land use to the north since that area consists of a subdivision with single family detached residential dwellings and lots between one and two acres in size, and the proposed subdivision transitions density and lot size between subdivisions to the north and south;
 - d. The proposed R-1-DA (Residential with a development agreement) zoning district is compatible with the R-2-DA (Residential with a development agreement) zone and land use to the south since that area consists of single family detached residential dwellings and density between one and two units per acre, and the proposed subdivision helps to facilitate a transition of lot sizes from the higher density development to the south to lower density development to the north;
 - e. The proposed R-1-DA (Residential with a development agreement) zoning district is compatible with the R-2-DA (Residential with a development agreement) and RUT (Rural-Urban Transition – Ada County Designation) zones and land uses to the east since the proposed subdivision helps to facilitate a transition of lot sizes from the higher density development to the east to agricultural property to the west;

Example 2

- f. The proposed R-1-DA (Residential with a development agreement) zoning district is compatible with the R-2-DA-P (Residential with a development agreement – PUD) and RUT (Rural-Urban Transition – Ada County Designation) zones and land uses to the west since that area consists of a property to the southwest that is entitled for single family detached residential dwellings with a density between one and two units per acre, and a property to the northwest being used for agriculture and a single family residential dwelling that is anticipated to be developed similarly in the future due to abutting stub streets to the north and south;
 - g. The land proposed for rezone is not located within a “Hazard Area” or “Special Area” as described within the Comprehensive Plan; and
 - h. As conditioned within the development agreement, no non-conforming uses will be created with this rezone.
 - i. The owner of the property has consented in writing to the annexation into the City of Eagle; and
 - j. The land proposed for rezone is contiguous to Eagle city limits along the southern, western, and eastern property boundaries.
2. The Council reviewed the particular facts and circumstances of this proposed preliminary plat (PP-2025-02) and based upon the information provided concludes that the application is in accordance with the City of Eagle Title 9 (Subdivisions) because:
- a. The proposed subdivision is in the public interest, advances the general welfare of the community and neighborhood, and will not be detrimental to the economic welfare of the community because the single-family housing proposed is consistent with the single-family housing outlined for this area in the Comprehensive Plan and similar to the developments within the subdivision’s vicinity, by offering pathways and pedestrian access that can connect to future development; and
 - b. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity because the subdivision provides a transition between the smaller lots to the south and the larger lots to the north, and such use will not change the essential character of the same area because the subdivision will have similar density to the surrounding developments that are also designated Neighborhood within the Comprehensive Plan. Sintra Subdivision will be subject to the architectural styles required by the development agreement; and
 - c. Will not be hazardous or disturbing to existing or future neighborhood uses because the subdivision will have adequate access and will be developed in a manner harmonious with existing agricultural and similar to existing residential uses in the immediate vicinity. Sintra Subdivision will be reviewed and approved through the city’s design review process prior to development occurring on site; and
 - d. Will not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors because the site will be developed for residential use, similar to the use and character of the surrounding area. It is anticipated that the proposed residential use will not be detrimental to the surrounding properties upon completion of the development of the subdivision; and
 - e. Will be served adequately by essential public facilities because all central services (including police and fire protection) are available and will be extended to the site, as noted within the letters provided by the agencies having jurisdiction over the site. Development of sewer, water, drainage, streets and other urban services will be provided at the developer’s expense. The development is located within the West Ada School District boundaries; and

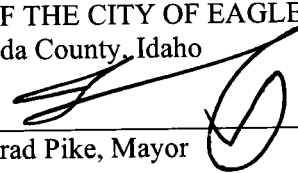
Example 2

- f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community, since the developer will bear all costs of development and all public facilities and services are supplied by the developer and must be approved at the time of installation and before acceptance by the Eagle Sewer District, Veolia Water, and Ada County Highway District; and
- g. Will provide a minimum of 0.88-acres (9.1%) of open space, including common lots containing regional pathways with access to the adjacent canal; and
- h. Will have vehicular approaches to the property which are designed to not create an interference with traffic on surrounding public thoroughfares because access to the development will be from North Bottle Creek Avenue and the development will provide local streets internal to the development; and
- i. Will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance since the architecture of the existing historic structure will be maintained pursuant to the development agreement and no scenic features of major importance exist on site; and
- j. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan since the development is designed for single-family residences which is supported by the residential use called for in this area by the Village Planning Area and by the Neighborhood designation of the Comprehensive Plan; and
- k. Will be harmonious with and in accordance with the general objectives or with any specific objective of Eagle City Code Title 8 because no waiver of Eagle City Code is being requested and the developer is expected to satisfy those requirements as well as being required to meet the conditions herein. In addition, the developer will be required to submit an application for design review and comply with all Eagle City Codes and conditions of approval of the design review; and
- l. That no deviations from any standard district regulations are proposed with this development and none are approved.

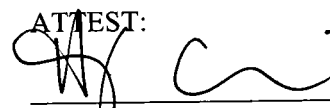
Regulatory Takings Analysis Notice: Applicant has a right to request a regulatory takings analysis pursuant to Idaho Code Section 67-8003.

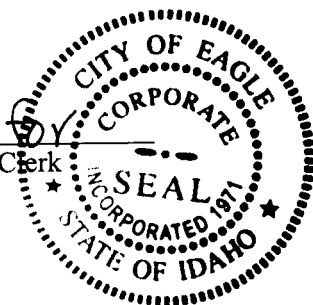
DATED this 14th day of October, 2025.

CITY COUNCIL
OF THE CITY OF EAGLE
Ada County, Idaho


Brad Pike, Mayor

ATTEST:


Tracy E. Osborn, Eagle City Clerk



BEFORE THE EAGLE CITY COUNCIL

IN THE MATTER OF AN APPLICATION)
FOR AN ANNEXATION, REZONE FROM)
RR [RURAL RESIDENTIAL – ADA COUNTY)
DESIGNATION] AND RP [RURAL PRESERVATION -)
ADA COUNTY DESIGNATION] TO R-1-DA-P)
[RESIDENTIAL WITH A DEVELOPMENT)
AGREEMENT-PUD], CONDITIONAL USE PERMIT,)
PRELIMINARY DEVELOPMENT PLAN, AND)
PRELIMINARY PLAT FOR SAGEHILL SUBDIVISION)
FOR SAGE INVESTMENT PARTNERS)

FINDINGS OF FACT AND CONCLUSIONS OF LAW
CASE NUMBER A-2025-04/RZDA-2025-05/CUP-2025-03/PPUD-2025-03/PP-2025-04

The above-entitled annexation, rezone with a development agreement, conditional use permit, preliminary development plan, and preliminary plat applications came before the Eagle City Council for their action on November 25, 2025, at which time public testimony was taken and the public hearing was closed. The Eagle City Council, having heard and taken oral and written testimony, and having duly considered the matter, makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT:

A. PROJECT SUMMARY:

Sage Investment Partners, represented by Dave Yorgason with Tall Timber Consulting, is requesting annexation and rezone from RR (Rural Residential – Ada County Designation) and RP (Rural Preservation – Ada County Designation) to R-1-DA-P (Residential with a development agreement-PUD), conditional use permit, preliminary development plan, and preliminary plat approvals for Sagehill Subdivision, a 214-lot (200-residential; 14 common lot) residential subdivision. The 736.00-acre site is generally located 1.60-miles southwest of the intersection of State Highway 55 and North McLeod Way and approximately 2.59-miles east of the intersection of Willow Creek Road and the future East Aerie Lane.

B. APPLICATION SUBMITTAL:

A Neighborhood Meeting was held at the Homewood Suites Hotel, located at 7100 East Riverside Drive, at 6:30 PM, on Thursday, February 13, 2025, in compliance with the application submittal requirement of Eagle City Code. The applications for this item were initially received by the City of Eagle on April 14, 2025. Subsequent application materials were submitted to the City on June 4, 2025, June 13, 2025, July 29, 2025, and August 8, 2025. The owner of the property has consented in writing to the annexation into the City of Eagle.

C. CONTIGUITY TO CITY LIMITS:

The subject property is contiguous to Eagle city limits along the western, northern, and eastern property boundaries for a total of 3.04-miles.

Example 3

D. NOTICE OF PUBLIC HEARING:

Notice of Public Hearing on the applications for the Eagle Planning and Zoning Commission was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Eagle City Code on September 21, 2025. Notice of this public hearing was mailed to property owners in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Eagle City Code on September 21, 2025. The site was posted in accordance with the Eagle City Code on September 26, 2025. Requests for agencies' reviews were transmitted on April 16, 2025, in accordance with the requirements of the Eagle City Code.

Notice of Public Hearing on this application for the Eagle City Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Eagle City Code on November 7, 2025. Notice of this public hearing was mailed to property owners in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Eagle City Code on November 6, 2025. The site was posted in accordance with the Eagle City Code on November 7, 2025.

E. HISTORY OF RELEVANT PREVIOUS ACTIONS:

On March 22, 2022, The Eagle City Council approved the Water Service Agreement (*Agreement for Service by and between Avimor Development, LLC, Sage Investment Partners, LLC, and City of Eagle*) for the Sagehill Development, recorded by the Ada County Recorded on April 13, 2022 [Ada County instrument number: 2022-036228].

F. COMPANION APPLICATIONS: All applications are inclusive herein.

G. APPLICANT'S STATEMENT OF JUSTIFICATION OF A DEVELOPMENT AGREEMENT:

This application includes a development agreement in addition to a Planned Unit Development (PUD). A development agreement is requested to: 1) follow many of the Avimor Planned Development codes, 2) approve proposed densities, including encouraging lot clustering and allowing some reduced lot sizes with offsetting increase in open space, 3) establish direction for a Fire and Vegetation Management Plan for Sagehill Subdivision, 4) allow extended time for final platting, 5) adopt the new City of Eagle Water fee schedule applicable to the Valnova and Avimor foothills water service area, and 6) allow some private streets as required by ACHD.

Example 3

H. COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP DESIGNATIONS:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
Existing	Foothills Residential	RR (Rural Residential– Ada County designation) & RP (Rural Preservation – Ada County designation)	Natural Foothills / Open Space
Proposed	Foothills Residential	R-1-DA-P (Residential with a development agreement – PUD)	Proposed Single-Family Residential Subdivision
North of site	Foothills Residential	RR (Rural Residential– Ada County designation), RP (Rural Preservation – Ada County designation), and APD-DA (Avimor Planned Development with a development agreement)	Natural Foothills / Open Space
South of site	Foothills Residential	RR (Rural Residential– Ada County designation) & RP (Rural Preservation – Ada County designation)	Natural Foothills / Open Space
East of site	Foothills Residential	APD-DA (Avimor Planned Development with a development agreement)	Natural Foothills / Open Space Natural Foothills / Open Space (Future Avimor Development)
West of site	Foothills Residential	APD-DA (Avimor Planned Development with a development agreement)	Natural Foothills / Open Space (Future Avimor Development)

I. DESIGN REVIEW OVERLAY DISTRICT:

The site is located within the city-wide Design Review Overlay District.

Example 3

J. SITE DATA:

Total Acreage of Site – 736.00 acres

Total Number of Lots – 214

Residential – 200

Commercial – 0

Industrial – 0

Common – 14

Total Number of Units –

Single-family - 200

Single-family attached - 0

Two-family - 0

Multi-family - 0

Total Acreage of Any Out-Parcels – 0

Additional Site Data	Proposed	Required
Dwelling Units Per Gross Acre	0.27-dwelling units per acre	0.27-dwelling units per acre maximum (as limited by the development agreement)+
Minimum Lot Size	15,355-square feet*	37,000-square feet
Minimum Lot Width	130-feet	100-feet
Minimum Street Frontage	49-feet	35-feet
Total Acreage of Common Area Open Space	478.13-acres	147.20-acres
Percent of Site as Common Area Open Space	64.96%	20% (minimum) Except that, according to ECC Section 9-3-8 (C) the City may require additional public and/or private park or open space facilities in PUDs
Percent of Common Area as Active Open Space	19.7%	15% (minimum) of the required 20% open space

* A reduction in minimum lot sizes may be permitted within a Planned Unit Development with an offsetting increase in open space.

+ The Comprehensive Plan states that the density for unconstrained lands in the foothills should be approximately 1 unit per two acres.

Example 3

K. GENERAL SITE DESIGN FEATURES:

Landscape Screening:

The applicant is proposing a minimum thirty-foot (30'W) wide landscaped buffer along the entire length of East Aerie Lane that is within the subject property.

Common Area Open Space:

The preliminary plat, date stamped by the City on August 8, 2025, shows fourteen (14) common lots (Lots 1 and 17, Block 1; Lots 1, 23, 23, and 53, Block 2; Lot 1, Block 3; Lot 1, Block 4; Lots 1 and 38, Block 5; Lots 1 and 10, Block 6; Lot 1, Block 7; Lot 1, Block 8, and Lot 1, Block 9) which provide a total of 478.13-acres of common area open space within the subject property. 29.06-acres of the proposed open space is considered to be "Open Space, Active" as defined by Eagle City Code Section 9-1-6. A majority of the 478.13-acres of open space will remain as natural open space (inclusive of 7.84-linear miles of publicly accessible natural surface trails and a publicly accessible ten-foot (10') wide natural gravel pathway north of East Aerie Lane that is approximately 2.34-miles in length), however community amenities are proposed to be included throughout the development, including:

- A primary community amenity, including a natural pond area, three (3) pickleball courts, a picnic shelter, and playground area, in addition to pathway and trail connections (Lot 1, Block 4).
- One (1) "Gazebo lookout location" and two (2) locations for "potential observation point(s), gazebo location(s)" at the terminus of proposed trails (Lot 1, Block 4).
- Natural surface trails and a bench location (Lot 1, Block 7).
- An observation point with gazebo location and a designated off-leash area for dogs (Lot 43, Block 1).

Storm Drainage and Flood Control:

Specific drainage system plans are to be submitted to the City Engineer for review and approval prior to the City Engineer signing the final plat. The plans are to show how swales, or drain piping, will be developed in the drainage easements. Also, the CC&R's are to contain clauses to be reviewed and approved by the City Engineer and City Attorney, requiring that lots be so graded that all runoff runs either over the curb, or to the drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.

Utility and Drainage Easements, and Underground Utilities:

Eagle City Code section 9-3-6 requires utility easements to be not less than 10 feet wide.

Fire Hydrants and Water Mains:

Hydrants are to be located and installed as required by the Eagle Fire District. Fire hydrants will be required to be installed and operational, pursuant to the minimum requirements of the Eagle Fire District, prior to the submittal of building permits associated with the development.

On-site Septic System:

No on-site septic systems are proposed for the subdivision.

Example 3

Preservation of Existing Natural Features:

The development is proposed to retain approximately 65% of the open space including a majority of the native hillside and riparian areas within the development. Refer to the included Natural Features Analysis, dated October 10, 2023.

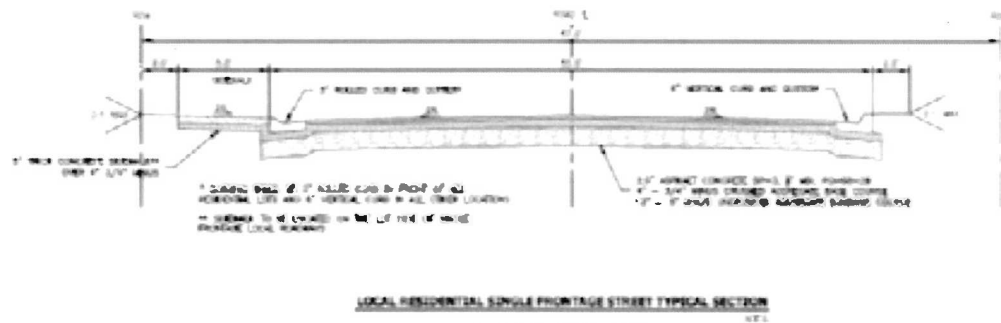
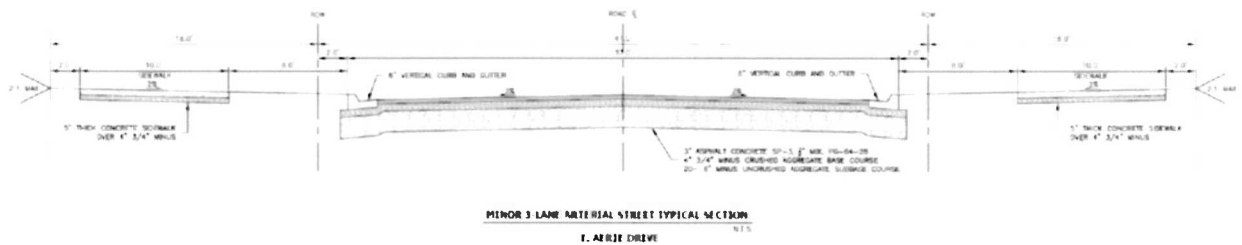
Preservation of Existing Historical Assets:

Staff are not aware of any existing historical assets on the site. If any historical artifacts are discovered during excavation or development of the site, state law requires immediate notification to the state.

L. STREET DESIGN:

Private or Public Streets:

The proposed street network within the subject property is proposed to be developed utilizing a combination of both public and streets. The public street network is comprised of all proposed through-streets (streets that provide connectivity to another street or parcel) while the private streets are limited to cul-de-sac streets only. The street sections are to be constructed pursuant ACHD standards and the typical street sections on sheet 2.0 of 18 of the preliminary plat



- 1. CANYON VIEW CT. (PRI)
- 2. TRAILVIEW DRIVE (PUB)
- 3. LUXURANT RIDGE DR. (PUB)
- 4. PRADISE RIDGE PL. (PRI)
- 5. WOODSTAR PL. (PRI)
- 6. BOTTERSBARK DRIVE (PUB)
- 7. BRUSH BASIN PL. (PRI)
- 8. SAGE HEIGHTS DRIVE (PUB)
- 9. BAYVIEW DR. (PRI)

Example 3

- Additional dues will be charged to the owners to fulfill a maintenance plan to repair and maintain the private streets.

Note: We are requesting only those streets required by ACHD to be private and the rest of the streets to be public. Though the total number of lots accessing a private street is greater than 10 percent, we are requesting the limited number of lots as shown in our plat to take access off a private street, which will be less than half the total number of lots.

Blocks Less Than 500-feet:

No blocks less than 500-feet are proposed.

Cul-de-sac Design:

The preliminary plat, date stamped by the City on August 8, 2025, shows the cul-de-sacs with a 50-foot radius inclusive of a landscape island with a 10-foot radius.

The preliminary plat includes ten (10) private cul-de-sac streets, named and described as follows:

- North Prairie Ridge Place – Private – 2,253-feet in length
- North Brush Basin Place – Private – 1,171-feet in length
- North Basin View Place (west) – Private Street – 821-feet in length
- North Basin View Place (east) – Private Street – 627-feet in length
- West Granite Flats Court – Private Street – 324-feet in length
- North Woodstar Place – Private Street – 1,702-feet in length
- North Laurus Ridge Place – Private Street – 562-feet in length
- East Currant Hills Court – Private Street – 1,671-feet in length
- East Hillstar Court – Private Street – 945-feet in length
- East Canyon View Court – Private Street – 863-feet in length

Sidewalks:

Detached ten-foot (10'W) wide concrete sidewalks are proposed (separated by an eight-foot (8'W) wide parkway planter strip) on both sides of the entirety of the portion of East Aerie Lane 3 lane minor arterial) depicted within the subject property.

Attached five foot (5') wide concrete sidewalks are proposed on both sides of the proposed Local Residential Dual Frontage Street Typical Section and as depicted within the Sagehill Pathways and Trails Plan.

Attached five foot (5') wide concrete sidewalks are proposed on one side of the proposed Local Residential Single Frontage Street Typical Section and as depicted within the Sagehill Pathways and Trails Plan.

Curbs and Gutters:

Curbs and gutters which meet Ada County Highway District standards are proposed for the interior public streets.

Example 3

Lighting:

Lighting for the proposed public streets is required. Location and lighting specifications incorporating a “Dark Sky” style of lighting shall be provided to the City Zoning Administrator prior to the submittal of the final plat. Any modifications made to the lighting shall be completed before the final plat approval.

Street Names:

Street names should be approved by the Ada County Street Naming Committee prior to the submittal of a final plat application.

M. ON AND OFF-SITE PEDESTRIAN/BICYCLE CIRCULATION:

Pedestrian Walkways: In addition to the sidewalks described within the “Sidewalk” section above, the subject property, as proposed, includes 7.84-linear miles of publicly accessible natural surface trails and a publicly accessible ten-foot (10’) wide natural gravel pathway north of East Aerie Lane that is approximately 2.34-miles in length),

Bike Paths:

Eagle City Code section 9-4-16 speaks to the provisions for trail and pathway development standards.

N. PUBLIC USES PROPOSED:

The public will be granted use of all sidewalks, pathways and trails within the subject property.

O. PUBLIC USES SHOWN ON FUTURE ACQUISITIONS MAP: No map currently exists

P. AVAILABILITY AND ADEQUACY OF UTILITIES AND SERVICES:

The property will be provided with potable water service by the City of Eagle water system that was developed initially for use by the Avimor development. Water service was constructed by Avimor Development along the Aerie Lane and is available for connection. The water service agreement that was entered into in 2022 by the City of Eagle, Avimor, and Sage Investment Partners, states that 200 Equivalent Dwelling Units (EDUs) of the current 1,572 EDUs would be allocated to the Sagehill development.

Central sewer service will be provided by the Avimor Water Reclamation Company (AWRC). AWRC has the capacity and ability to provide service to the subject property, however sewer lines have not yet been installed to any of the subject property’s boundaries.

The subject property is within the service boundary of the Eagle Fire District and within the service area of the Eagle Police Department.

The applicant will be required to install fiber-optic conduit within the joint trench for future connection.

Q. SPECIAL ON-SITE FEATURES:

Areas of Critical Environmental Concern – No, there are no habitat or environmental areas of special concern noted within the property.

Evidence of Erosion – None currently known. General erosion potential of soils can be described as the soil loss tolerance in tons per acre, or the “T factor.” T Factors are integer values assigned to each soil component ranging from 1 to 5 tons per acre per year are defined as the maximum amount of erosion at which the quality of a soil as a medium for plant growth can be maintained. The factor of 1 ton per acre per year is for shallow or otherwise fragile soils and 5 tons per acre per year is for deep soils that are least subject to damage by erosion. The majority of the project area (64%) is comprised of soils with a T-factor of 5. Slightly more fragile soils with a T-factor of 3 and 2

Example 3

comprise 19% and 17% of the project area, respectively, and are found primarily associated with steep, north-facing slopes and the valley bottom along Aerie Lane. Geotechnical soils reports and on site monitoring will be required during the mass grading efforts.

Hazardous Areas - Potentially hazardous areas include, but are not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered. The primary hazardous areas within the project area are associated with the Big Gulch Creek corridor, steep slopes, and rocky slope drainages, particularly in the northwest portion of the project area.

Fish Habitat – No fish habitat within the subject property is known.

Floodplain – The subject property contains no mapped floodplain.

Mature Trees – Yes, within the riparian corridors.

Riparian Vegetation – Yes

Steep Slopes – Yes, the topography of the project area can be described as hilly and steep, with highly variable slopes. The average slope within the project area is approximately 19 percent, with the steepest slopes (approximately 74 percent) occurring in the western portion of the project area. The valley bottom within the eastern portion of the project area has the shallowest slopes (<1 percent).

Stream/Creek – Yes, seasonally. The lower reaches of Big Gulch Creek lack indicators of stream channel and wetland indicators, making the nexus between the resources within the project area and the applicable provisions of Section 404 of the Clean Water Act unclear. It is possible that the wetlands and stream channels within the project area are not covered under the jurisdiction of the Clean Water Act.

Unique Animal Life – No, the fauna species observed during field surveys were consistent with common species found within the Eagle/Boise foothills.

Unique Plant Life – No, there were no instances of Aase's Onion (*Allium aaseae*) or Slickspot Peppergrass (*Lepidium papilliferum*) were observed during targeted intuitive surveys.

Wildlife Habitat – Yes, including a variety of raptors, passerines, upland game birds, small and medium mammals, reptiles, and ungulates.

R. SUMMARY OF REVIEW OF NATURAL FEATURES ANALYSIS:

The applicant submitted a Natural Features Analysis, dated October 10, 2023, prepared by Duran Environmental Consulting, LLC. The Natural Features Analysis outlines the project's description and current uses, aquatic resources, soils, topography, vegetation, wildlife and wildlife habitat, special species status, historic resources, hazardous areas, agriculture, open space, and mitigation plan options.

The project area is predominately composed of steep slopes with a mixture of native and nonnative grasslands and sparse, native shrubs. Big Gulch Creek (a small intermittent stream) bisects the project area and supports trees and other riparian vegetation.

Example 3

S. AGENCY RESPONSES:

The following agencies have responded, and their correspondence is attached:

City Engineer

Ada County Highway District

Avimor Water Reclamation Company

Eagle Fire Department

Eagle Sewer District

Idaho Department of Environmental Quality

Idaho Transportation Department

U. LETTERS FROM THE PUBLIC:

A letter from Avimor Development, dated July 17, 2025

V. PROPOSED TIME SCHEDULE FOR THE DEVELOPMENT OF THE SITE:

The applicant is proposing to phase the development in five (5) separate phases with the initial phases of construction beginning in the northeast portion of the site and extending to the south and west.

The applicant has requested that the standard expiration timeline for the preliminary plat be extended from the standard two (2) years from the date of approval to six (6) years prior to needing to request any extensions of time, which could be requested to extend the date of expiration up to another twelve (12) months with each request that is approved.

The applicant has requested that the standard expiration timeline for the subsequently submitted final plats be extended from the standard one (1) year to two (2) years from the date of approval prior to needing to request any extensions of time, which could be requested to extend the date of expiration up to another twelve (12) months with each request that is approved.

W. EAGLE CITY CODE FINDINGS FOR A PLANNED UNIT DEVELOPMENT PRELIMINARY DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT:

1. That the proposed PUD is in the public interest, advances the general welfare of the community and neighborhood, and will not be detrimental to the economic welfare of the community.
2. That the development be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and how such use will not change the essential character of the same area.
3. That the development will not be hazardous or disturbing to existing or future neighborhood uses.
4. That the development does not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
5. That the development will be served adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.
6. That the development will not create excessive additional requirements at public cost for public facilities and services.
7. That the development is provided with parks, ponds, open areas, areas of special interest, floodplain preservation, and/or other special features which would not typically be provided in a non-PUD proposal.

Example 3

8. That the vehicular approaches to the property are designed to not create an interference with traffic on surrounding public thoroughfares.
9. That the development will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.
10. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan.
11. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of Eagle City Code Title 8.
12. That the benefits, combination of various land uses, and interrelationship with the surrounding area for this proposed development justifies any proposed deviation from any standard district regulations.

In cases of large-scale PUDs (incorporating eleven (11) or more lots or dwelling units):

13. That public services shall be provided to the development including, but not limited to, fire protection, police protection, central water, central sewer, road construction, parks and open space, recreation, maintenance, schools and solid waste collection.
14. That an estimate of the public service costs to provide adequate service to the development has been provided by the developer.
15. That an estimate of the tax revenue that will be generated from the development has been provided by the developer.
16. That suggested public (or private) means of financing the services for the development if the cost for the public services would not be offset by the tax revenue received from the development has been provided by the developer.

For a request of up to 10% of the gross land area to be directed to uses other than residential (i.e.; commercial, industrial, public and quasi public uses that are not allowed in the land use district):

17. That the uses are appropriate with the residential uses.
18. That the uses will serve principally the residents of the PUD.
19. That the uses are planned to be an integral part of the PUD.
20. That the uses located and designed to provide direct access to a collector or arterial street.
21. That the proposed street connections will not create congestion or traffic hazards.

Example 3

THE CITY COUNCIL RECEIVED AND REVIEWED THE FOLLOWING STAFF ANALYSIS PROVIDED WITHIN THE STAFF REPORT AND ADOPTS THE STAFF REPORT AS PART OF THE CITY COUNCIL'S FINDINGS OF FACT:

- COMPREHENSIVE PLAN PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

CHAPTER 6: LAND USE

Foothills Residential is a unique combination of land uses within the Eagle Foothills that strives to balance residential, non-residential, and open space (developed and natural) use to create unique hamlets of development that place urban development within the natural environment without overcrowding or significantly altering the natural features found on the site.

The density for unconstrained lands in the foothills should be approximately 1 unit per two acres. Residential densities should be calculated to be commensurate with the existing land conditions. Priorities for open space areas should be lands with slopes of 25% or greater and important habitat areas. No residential density should be granted for areas located within the floodway, slopes more than 25%, or sensitive/critical habitat. These areas should be used as open space. Units should be arranged in accordance with the transect plan as described in the Foothills planning area.

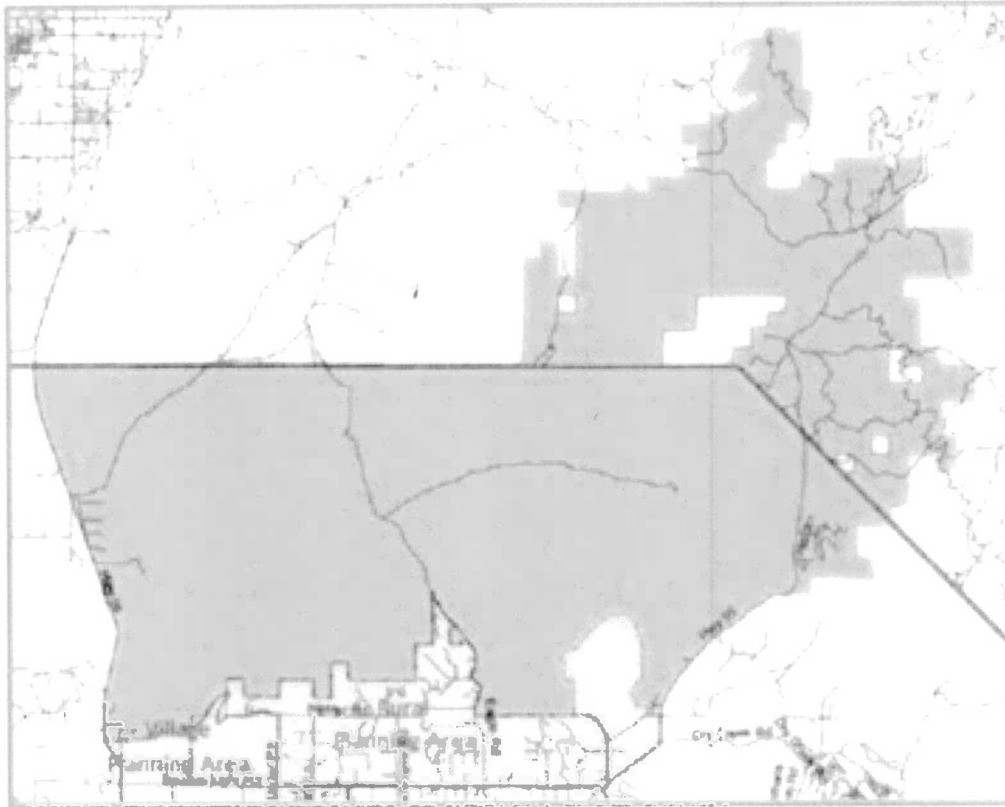
Scenic Corridor is an overlay designation that is intended to provide significant setbacks from major corridors and natural features through the city. These areas may require berming, enhanced landscaping, detached meandering pathways, and appropriate signage controls.

Regional Open Space overlay areas should be designated to capitalize on and expand the open space areas around natural features and environmentally sensitive areas. Priorities for preservation include: The most sensitive resources – floodways and floodplains (including riparian and wetland areas), slopes in excess of 25%, locally significant features, and scenic viewpoints. Fragmentation of open space areas should be minimized so that resource areas are able to be managed and viewed as an integrated network. Open space areas within the Foothills and along Dry Creek and the Boise River should be designed to function as part of a larger regional open space network. Where possible, open space should be located to be contiguous to public lands and existing open space areas.

Village and Community Centers are intended to serve as mixed use centers for goods, services and employment for areas that are removed from downtown Eagle. Uses and residential densities carry based on location.

Example 3

6.14 EAGLE FOOTHILLS PLANNING AREA



For over 30 years the Eagle Community has placed significant value on the North Foothills providing contrast to the green, flat land of the Boise River corridor. For years private land owners have provided access for horsemen, hikers, hunters, and recreation enthusiasts through an informal trail and recreation system. In 1999 the Foothills were designated as an area of special concern in the City's Comprehensive plan.

Over 80% of the Eagle Foothills is held in private ownership by less than 10 families or groups. Over the recent years the ranch families who historically have lived in the Foothills have begun looking for new options for the land with many pursuing development options. This desire to change the historic use of their land coupled with Ada County's significant shift in focus from a rural preservation agency to promoting urban development outside of cities resulted in the urging by landowners, neighborhood groups, and citizens for the City of Eagle to engage in a planning process to bring the Foothills into the City's planning area.

With limited access and transportation options, the Eagle Foothills are intimately linked to the City and the Eagle downtown. Willow Creek Road is the only improved internal road to the area with Highway 55 on the east and Highway 16 on the west establishing a clear planning area. As the City worked through the planning of the foothills a larger geography was noted with large land holdings crossing east of Highway 55 and north into Gem and Boise Counties.

In 1997 and 2007 the City of Eagle requested Ada County include the area north of Homer Road into the City's AOI, and both times Ada County requested a full comprehensive Plan for the area. The North Eagle Foothills Planning Area and associate amendments is the result of the City's planning efforts in this area.

In late 2006, the City of Eagle entered into a scenario building process to look at the opportunities and constraints within the Foothills. During this scenario building process the City used existing

Example 3

data from public agencies and private groups to analyze the potential of the Foothills for development. During this review the City looked at land ownership, existing recreational uses, land cover, slope, hydrology, resident and migratory big game and other wildlife habitat and potential migration paths, sensitive plant locations, and potential distribution visibility, landscape quality, distance zones, and overall visual sensitivity. The result of these maps was an overall opportunities and constraints map (See Map 6.13).

Table 6.1. Foothills Constraints

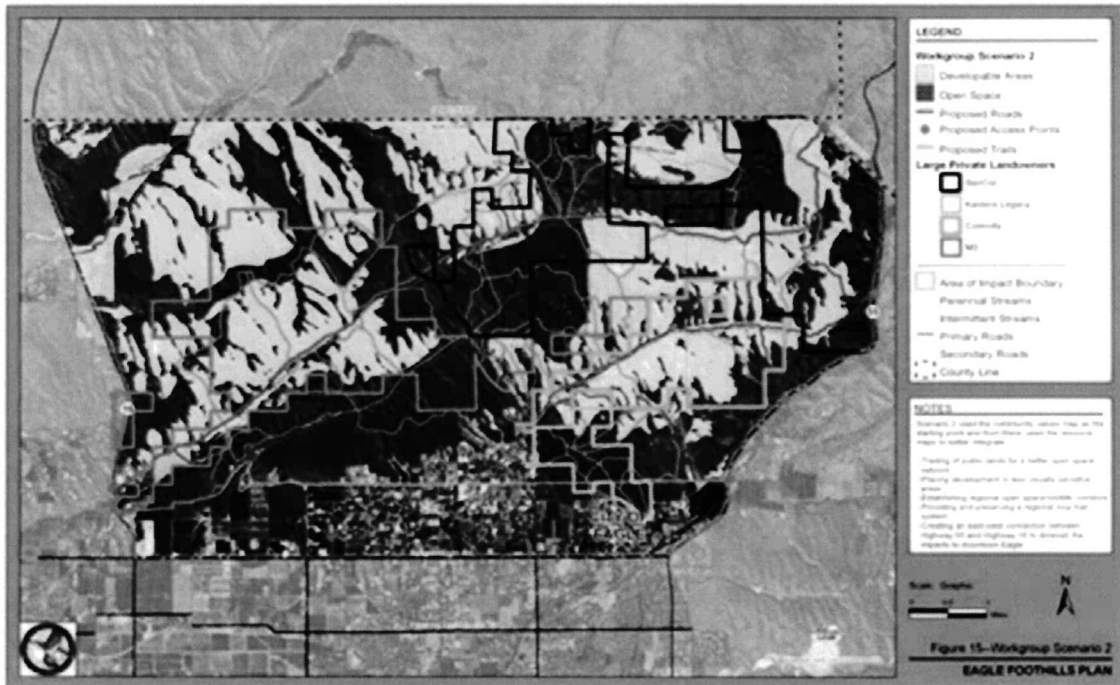
Foothills Constraints		
Feature	Acres	% of area
Slopes 25%+	9,163	19%
Floodway	210	1.0%
Habitat	12,964	26%
BLM	5,398	11%
Total	27,735	57%

Once the constraints mapping was completed the City worked with a work group comprised of local and state agencies, land owners, and citizens to discuss and model potential development scenarios. The final scenario balanced the natural features of the land with the following values (See Map 6.14):

- The transfer/trade of public lands for a better open space network
- Establishing open space/wildlife corridors
- Providing/preserving a regional recreation system
- Focus development into less visible areas, or ideally non-visible areas (see the City's Foothills Visual Sensitivity Analysis).
- Primary access to the area from Highway 55 & Highway 16 limiting or diminishing access to the southern part of Willow Creek/Eagle Road.

Example 3

Map 6.14: Regional Open Space Concept



Though these scenarios provided the City an overview of the opportunities and constraints of development it did not prescribe land use densities or intensities that are needed to determine infrastructure needs, transportation impacts, build out/absorption, or population. With Comprehensive plan amendments being requested totaling over 20,000 acres both inside and adjacent to the planning area, the City felt it necessary to begin the process of a specific area plan for the North Eagle Foothills.

The City's focus was to establish recommendations and guidelines in order to identify those areas that could best sustain urban development and those areas which should be prioritized to be best maintained as open space based on the vision of the community and the actual constraints of the land.

Due to the number of existing and potential applications at the city and county, the interest by both large and small landowners to provide a detailed build out plan for the area that provides predictability in long-term land uses, and the City's concerns about downstream effects from county development, the City agreed to begin planning for the Foothills through a series of workgroups using the scenario building process as the backbone of the process associated with a plan for development within the foothills.

During the drafting of the plan the City of Eagle engaged over 500 participants through a series of weekly work groups that discussed the foothills transportation, habitat and open space, infrastructure and facilities, water, activity centers, and landscape and design standards for development within Foothills. This sub-area text is based upon the work of those individuals who were committed to finding workable solutions and long-term development options for the Foothills.

Example 3

The intent of the North Eagle Foothills sub-area plan is to be a guide for future development as it is integrated into the Eagle Community and part of the City of Eagle. This will be accomplished through incorporation of the area into the jurisdictional boundaries while also creating a unique sense of place that is clearly identifiable as the City of Eagle. It is expected that specific area plans (Planned Unit Developments) will be drafted by landowners at the time of development that provide specific implementation measures for the broad community policies of this plan. The North Eagle Foothills encompass nearly 49,000-acres north of Beacon Light Road.

All land is not equal. Overall, it is agreed that portions of the Eagle Foothills are more suitable for standard urban development due to the existing land uses, location to regional transportation corridors and overall site characteristics. Conversely, the foothills are not the flat irrigated farmland that the City has historically approved for development. The complex fabric of existing constraints (topography, erosion potential, location of wetlands, existing sensitive plants and animal communities, riparian areas, and visual impacts) must be considered when urbanization is proposed (See Table 6.2). It is the vision of the community that development within the Eagle Foothills will be in a series of small hamlets providing areas of urbanized development nestled into the natural environment; establishing development areas that are unique and spatially separated by larger natural areas and open spaces. To create clusters of great living/urbanized areas that are connected to and contribute to a larger interconnected regional open space network. Land use designs should ensure that each development area fits into the natural systems of the Foothills (topography, habitat, and drainage) opposed to significantly altering the natural systems to allow for development. These principles are in keeping with the design styles of Randall Arendt in “Rural by Design”.

Table 6.2: Foothills Land Uses

Foothills Land Uses		
	Acres	% of Area
Unconstrained	12,089	25%
Residential Rural	2,080	4%
Slopes 25%+	16,259	33%
Floodway	210	0%
Habitat	12,964	26%
BLM	5,398	11%
Total	49,000	
Community & Neighborhood Centers Adjustment factor:	690	1%

The build out of the Foothills will be unlike any other area of the City. Environmentally sensitive areas, public lands, and unique features will affect the overall density and development potential in the foothills. The overall density of the foothills should remain rural (1 unit per 40 acres and/or 1 unit per 10 acres as currently allowed in Ada County) until annexed into the City of Eagle at which time development should be reviewed for compliance with the Eagle Foothills Plan and for the provision of adequate public facilities. The overall density of the unconstrained portions of the foothills should remain rural (1 unit per 2 acres) with options for clustering the base density into transects and density bonuses for the creation of activity centers and significant open space areas.

Example 3

Transects are a pre-described guideline or pattern for constructing the built environment. Transects help establish a flow from activity centers into natural open space areas. In transect planning density is anticipated to be high in activity centers and decrease as the distance from the centers increases. The mixture of land uses also change from mixed use areas including commercial, office and housing to more traditional homogeneous single family detached units on the fringe. Within the Eagle Foothills seven (7) transects have been developed to guide the overall development potential into a pattern that promotes regional open space connections and discreet community and neighborhood centers. (See Table 6.3)

6.14.1 EAGLE FOOTHILLS GOALS

- A. Design a future land use plan that is rooted in the land's capability to sustain development while preserving the natural features that brought people to the area.
- B. Establish a significant regional open space network in order to formalize the existing recreational uses, environmentally sensitive area and connections between them through creative design, voluntary dedications, incentive and governmental acquisition or exchange.
- C. Create a uniquely identifiable community that blends with the existing city and balances local land uses with regional growth and services while preserving the uniqueness of the Eagle Foothills.

6.14.2 EAGLE FOOTHILLS LAND USES

- A. Recognizing that the foothills are a complex land form the overall density of the foothills should be limited while encouraging clustering of the available units into a transect plan that includes regional activity centers with urban type densities transitioning into permanent open space areas.
 1. The base residential density for all lands within the Foothills Planning Area should be 1 unit per 40 acres and 1 unit per 10 acres until annexed into the City of Eagle and the provision of adequate public facilities is secured or demonstrated.
 2. Lands with slopes in excess of 25%, floodways due to their sensitive nature and the potential impacts to the health safety and welfare of the general public, and key habitat areas as identified by State and Federal agencies should be priority areas for open space and sending area for units being developed in less constrained area as described in the land use transects of this plan.
 3. Governmental lands (BLM) that are to be managed for the general use and enjoyment of the public should be designated as public/semi-public with no residential density.
- Provide incentives to create development areas that are unique to the foothills, opposed to standard suburban development patterns, providing for walk-ability to services, schools, and employment within distinct development areas; establishing a series of hamlets that are spatially separated by distance, open space, and/or topography but are pedestrian scaled and designed so to maintain connection to the overall community.
 1. Provide incremental increases to the base density commensurate with the provision of open space, adequate public facilities, and the protection of environmentally sensitive areas, public lands and unique features.
 2. Allow for the transfer of densities within a project/development to create and locate community and neighborhood centers as described in this plan.

Example 3

3. Density incentive/bonus should be considered for the following:
 - a. The establishment of a permanent non-city funding source to offset the annual operation and maintenance of the open space areas. This may include endowment funds, use of land trusts and institutes, transfer fees or other mechanisms.
 - b. Designing the open space to function on both a neighborhood and regional level providing both internal and external connectivity for multiple user groups including pedestrians/hikers, bicyclists and equestrians.
 - c. Working with adjacent land owners to design and dedicate open space on a large scale in compliance with the goals of this plan.
 - d. For the clustering of units into centers and the construction of the land use transect as describe within this plan.
 - e. Providing open space greater than 20% of the gross site area.
4. Allow for the waiver of the maximum height requirements when a site specific visual site analysis shows no impact to the visually sensitive areas described in the visual impact Study Commissioned by the City.
5. Establish new architectural and site design standards that are unique to the foothills.
- Use a regional open space overlay to establish areas where clustering and conservation development should be used opposed to standard large lot development in order to provide for habitat and a regional open space network connecting the Eagle/BLM land to points in and outside the area including Rocky Canyon, Stack Rock, Montour, the Boise Front and the Boise National Forest.
- Development should be designed to fit within the natural features of the area. To maximize the preservation of these features development should be clustered so to preserve as much open space as possible.
 1. Open space should be designed to capitalize on and expand the open space areas around natural feature and environmentally sensitive areas. Priorities for preservation should include:
 - a. The most sensitive resources on the property – Floodways (including riparian and wetland areas), slopes in excess of 25%, locally significant features, & scenic viewpoints.
 - b. Fragmentation of open space areas should be minimized so that resource areas are able to be managed and viewed as an integrated network. This can be accomplished through various engineering and design tools i.e., super pads, hillside engineering, and others.
 - c. Open space areas should be designed as part of the larger continuous foothills area and regional open space network. Where possible open space should be located to be contiguous to public lands and existing open space areas.
- Work with landowners and developers to establish a structure for funding the long-term stewardship and maintenance of large areas of open space.
- Work with the BLM to leverage the exchange of discontinuous tracts of public land for equal or larger tracts of contiguous ownership within the regional open space overlay that will build onto the existing public ownerships.

Example 3

- Use the Foothills Land Use Transect (see Table 6.3) to help provide scaling and a pattern to clustering within large tracts of land as well as to provide a diversity of housing opportunities within the Foothills including apartments, town homes, condominiums, and small and large lot single family versus the homogeneous large lot development.
- Develop Community and Neighborhood scale centers on the principles of mixed use; variety in form and image; pedestrian orientation; higher density; a focus on transit; and economic diversity that reflects the patterns of a small town.

1. Community Centers: These are the highest intensity use areas in the foothills. They should act as density magnets to begin building the transects as described in this section. These are areas for the clustering of densities from more rural and open space areas.

These centers are the most intensive development that should occur in the Foothills planning area. There may be several types of mixed use community centers including commercial, educational, and research.

Community Centers are the highest density, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; streets have uniform street tree planting and buildings set close to the frontages. No minimum lot sizes. These centers are characterized by the following:

- a. Limited in total number due to the need for high connectivity to the state highway system and regional trip capture.
- b. Community centers should be designed to aid in the location, design and construction of grade separated interchanges along the state highway system. At a minimum Community Centers should be designed to provide for the right-of-way preservation of these facilities.
- c. Compact and mixed use in nature these centers should integrate a combination of uses including office, retail, commercial, institutional, civic, residential, hotel and recreation while focusing on the paramount community function.
- d. These centers should be pedestrian oriented developments that contain elements of a live, work and play environment. Walkable communities should have all key amenities or facilities within a $\frac{1}{4}$ mile distance of the majority of the developed units.
- e. Mixed Use Community Centers should be approximately 100-150 acres in size and allow up to 350,000 square feet of gross leasable space.
- f. If residential uses are provided they should account for no more than 25% of the gross total area of the Community Center with allowable densities of up to 8 to 10 units per acres.
- g. Community Centers should be designed to integrate and promote the expansion of public transportation along major regional corridors providing transportation alternatives between communities in the region.
- h. As a guideline for planning urban transition and suburban density patterns should be located with $\frac{1}{2}$ to 1 mile of these centers. This standard allows for the implementation of the land use transect and ensure that the overall desired land use pattern of the foothills is implemented. (See Table 6.3 & Figure 6.12)

Example 3

Table 6.3: North Eagle Foothills Transects

North Eagle Foothills Transects			
Transect	Description	Density	Illustration
Regional Open Space Permanent (See Map 6.2)	Consists of lands that have a higher value for regional open space and are owned by public entities or have been preserved in perpetuity. Consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. This includes existing BLM ownership and floodways.	0	
Rural Lifestyle	Consists of lands most suitable for approximating or reverting to a wilderness condition but held in private ownership. Development options in this area should exclude cluster and conservation developments, as well as the ability to transfer units to more suitable development areas within a project and/or the foothills. Developments in this area should include a minimum of 50% open space.	1 unit per 40 acres	
Rural Estates	Consists of low density, large lot residential areas. Planning is naturalistic and setbacks relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions. Lots may be cluster onto 1/2 acre lots or fencing restrictions may be used to provide a better open space pattern and protection of natural features.	1 unit per 2 acres	
Suburban	Primarily suburban residential pattern. Primarily a single family detached housing type. Setbacks and landscaping are variable. Streets define medium-sized blocks. Generally located within a 1 mile of community/neighborhood centers but may vary according to the natural features of the foothills. Clustering may be used to ensure significant regional and neighborhood open space.	2.5 units per 1 acre	
Urban Transition	Consists of a mixed-use but primarily residential urban fabric. It has a wide range of building types, single side yard, and row houses. Setbacks and landscaping are variable. Streets define medium sized blocks. Generally located within a 1/2 mile of community/neighborhood centers but may vary according to the natural features of the foothills.	4 units per 1 acre	
Neighborhood Centers (unmapped)	40-60 acres in size these centers are located at key intersections between arterial and collector roadways. Consists of higher density mixed-use building types that accommodate retail, offices, row houses and apartments. It has a tight network of streets with wide sidewalks, steady street tree planting and buildings set close to the frontages. (See Specific Definition)	Min of 6 and Max of 10 units per acre for a minimum of 50% of the area.	
Community Centers (See Map 6.2 mapped)	Approximately 100-150 acres in size consists of the highest density, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks, streets have consistent and evenly spaced planting and buildings set close to the frontages. No minimum lot sizes. (See Specific definition)	Min of 8 and Max of 10 units per acre for max of 25% of the area.	

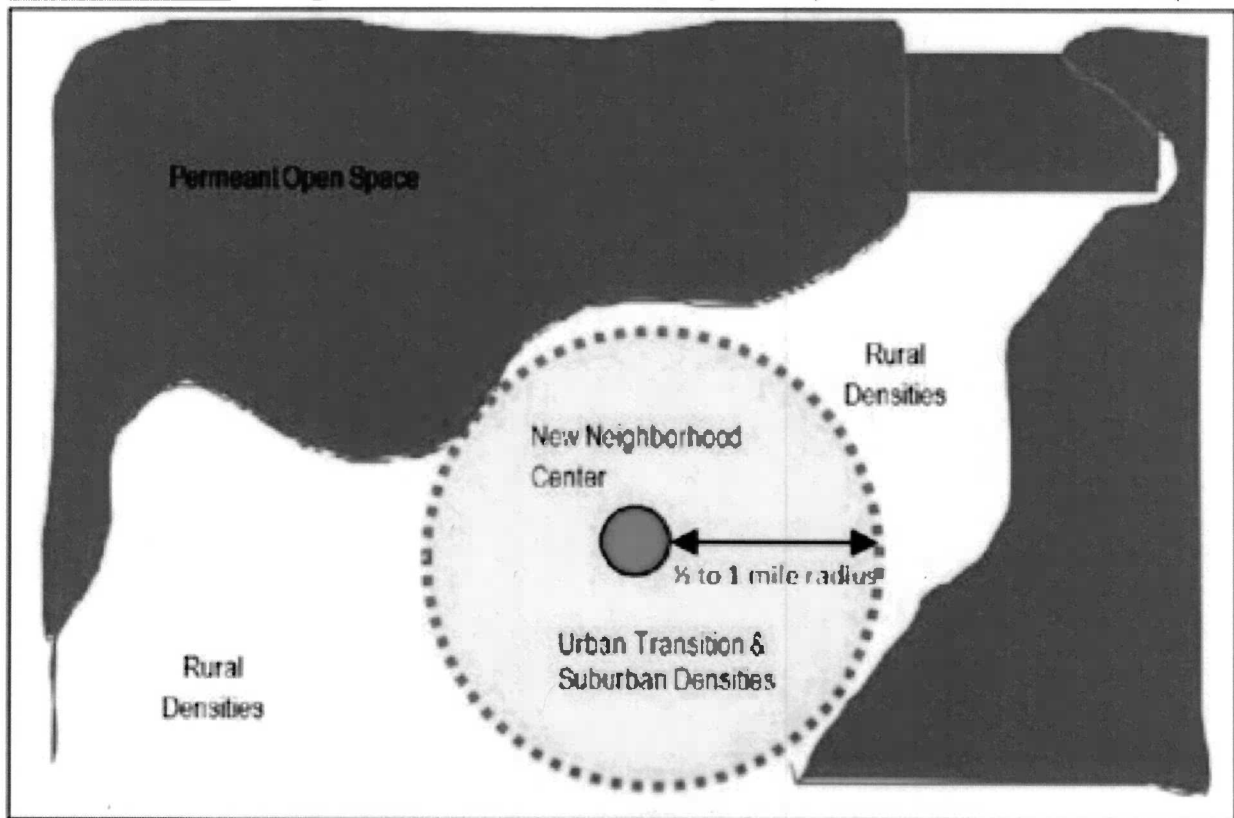
Source: *The Urban Transect by Duany Plater-Zyberk & Company*

2. **Neighborhood Centers:** These centers have higher density mixed-use building types that accommodate retail, offices, row houses and apartments. It has a tight network of streets, with wide sidewalks, uniform street tree planting and buildings set close to the frontages. These centers, though not mapped, should be located in areas with the following characteristics:
 - a. New Mixed-Use Neighborhood Centers should be approximately 40-60 acres in size and allow up to 150,000 square feet of gross leasable space, though their shape is subject to terrain, access, and other site variables.
 - b. Mixed use in nature, these centers will integrate a combination of uses including office, retail, institutional, civic, residential and recreation while serving as a focal point for the overall development
 - c. Neighborhood centers are located at key collector and arterial intersections within the residential areas of the foothills.
 - d. Neighborhood Centers are to include residential with allowable densities of up to 6 to 10 units per acres. This clustering/massing adds interest and serves as a magnet for the base density (from more constrained areas or open space dedications) for the overall project and implements the land use transects units.
 - e. These centers should be sized and scaled to be compatible with the surrounding single family uses ensuring a transition of intensities and massing at the edges.
 - f. Residential uses should account for a minimum of 50% of the gross developable area of neighborhood centers.
 - g. Located on level areas of the foothills that can be developed with the least disturbance of the sensitive hillsides, natural drainage area and important open space and habitat areas.

Example 3

- h. The boundaries of these areas normally follow the existing terrain of the immediate surroundings.
- i. Neighborhood centers are spatially separated from each other by rural residential uses and/or significant open space areas that allow for each neighborhood center to be independent and avoid the unintentional over-intensification of the neighborhood centers into Community Centers or something more intensive. (See Figure 6.12)
- j. Neighborhood centers are normally open-air shopping areas, often sharing a central plaza.
- k. Neighborhood centers should have a central focal point that may include open spaces, plazas, schools, recreational facilities, or civic uses.
- l. Buildings in the neighborhood centers should be oriented to the street or public plazas to encourage pedestrian scaling and access, to promote a neighborhood feel.
- m. As a guideline for planning urban transition and suburban land uses should be located with $\frac{1}{2}$ to 1 mile of these centers or as topography allows. This standard allows for the implementation of the land use transect and ensure that the overall desired land use pattern of the foothills is implemented. (See Figure 6.12)

Figure 6.12: Neighborhood Center/Open Space Cluster Concept



Example 3

- I. Create an overlay district to highlight a discreet geographic region within Eagle's Comprehensive Plan that showcases the emerging viticulture industry unfolding in this area. (See Map 6.15)
 - 1. Consider modification of the City Code to allow ancillary uses (Bed & Breakfasts, tasting rooms, bistros, etc.) to be easily applied for and achieved.
 - 2. Consideration in this area should include: uniform signage, modified roadway design, limits on conflicting land uses including massing and scaling of buildings and structures (including cell towers), increased limitations on building coverage.
 - 3. Establish City signage and promotion of this emerging agricultural industry.
 - 4. Research how industrial revenue bonding may further the establishment of this region.
- J. Due to the unique feature of the foothills and the Eagle Foothills AVA additional hospitality, resort and tourist uses may be developed in the foothills. These uses should be sited so not to deteriorate prime habitat or environmentally sensitive area and should be exchanged for the underlying residential densities in the specific area.
- K. Due to the unique scenic and economic value of the agricultural/viticulture uses these uses should be reviewed as a component of the overall open space design.
- L. Work with ACHD to establish a unique road cross section for the district that may include: wider shoulders for parking, gravel driveways and limited use of sidewalks.
- M. Design a community that is the pinnacle of water conservation promoting limited use/extraction, reuse and innovative irrigation and landscape design. If necessary, land use entitlements may be limited until sufficient potable and irrigation water is established.
- N. Establish a land use pattern that promotes large scale and regionally significant services located along existing regional transportation routes (State Highway 16 & 55) while promoting neighborhood scale services internally to the area.
- O. Work with Ada, Gem, and Boise Counties to ensure that the intent of City of Eagle plan is understood by these jurisdictions.
 - 1. The intent of the Eagle Foothills plan is to provide direction and incentive for land to develop and incorporate within the jurisdictional boundaries of the City of Eagle.
 - 2. It is the intent of the City of Eagle that all development using this plan as a guide connects to the City of Eagle municipal water system or be otherwise designated in this plan or waived by the City of Eagle.
 - 3. It is the intent that land uses within the Eagle Area of City impact remain rurally zoned (RP & RR) until they are annexed to the City of Eagle.

6.14.3 EAGLE FOOTHILLS ACCESS

- A. Design a Foothills transportation network that is sized appropriately for the demands of development in the foothills. (See Map 6.16)
 - 1. Explore the use of roundabouts, multi-purpose trails and water efficient boulevard treatments throughout the area. (See ACHD's NW Foothills Transportation Plan)
 - 2. Promote the use of the unique road cross sections within the community and neighborhood centers within the foothills. (See Figure 6.13)

Example 3

3. Work with the development community, ACHD and ITD to design the following roadways as gateway corridors for the Foothills and the City of Eagle:
 - Willow Creek Road
 - State Highway 16
 - State Highway 55
- B. Promote internal City connections to the foothills to limit the use of the regional transportation system for local trips, provide connections within the fabric of the overall
 1. Promote Linder Road and Hartley Road as the main north/south internal connections.
 2. Work with land owners, developers and ACHD to assess the best alignment and connection of N. Eagle Road/Willow Creek Road into the Foothills.
 3. When possible limit roads across major open space areas.
- C. Establish design criteria for the crossing and the potential separation of vehicular and pedestrian/equestrians at major roadways.
- D. Ensure that development plans include both motorized and non-motorized circulation.
- E. Establish a mechanism to ensure that transportation impacts are planned for and funded while multi-modal options are integrated into the design of the overall system.
- F. Work with the appropriate transportation agencies to establish an achievable means for the funding and construction of new rights of way in a previously underserved area. Consideration may include extra-ordinary impact fees, concurrency ordinances, local improvement districts and latecomer's fees.
- G. connection between State Highway 16 & 55 to provide internally generated regional trips to move safely and efficiently to/through the regional system.
- H. Work with the Idaho Transportation Department to limit access to the State Highway system through the development process and to establish thresholds for improvements to the system, including grade separated interchanges, to limit the impacts on the regional traffic flow.
- I. Work with the ITD, ACHD and land owners to ensure that a regional roadway system is developed to serve both the proposed development and the City at large.
- J. Work with ACHD, ITD, Idaho Fish and Game, and land owners to establish locations and standards for animal and recreation crossings and signage to ensure safe migration and recreation throughout the Eagle Foothills and the region.
 1. Locate potential animal and recreational crossings on the transportation and open space maps within the comprehensive plan.
 2. Establish standards for recreation and habitat crossing and signage standards as port of the wildlife mitigation plan and preliminary plat process.

Example 3

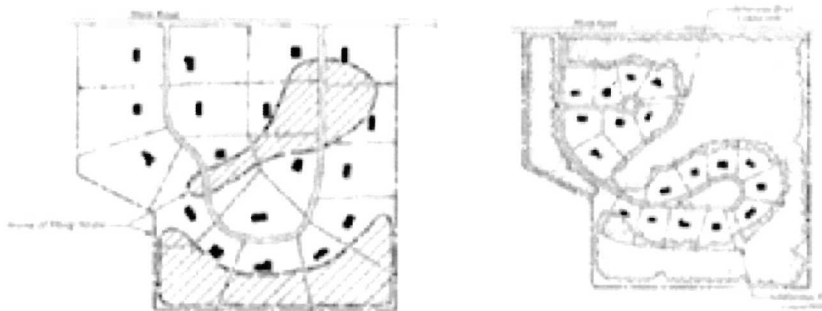
6.14.4 EAGLE FOOTHILLS DESIGN

- A. The design and development of the Eagle Foothills should include: water efficiency, fire resistance, native plants and drought tolerance plants and, respect the rural foothills character.
1. Water Efficiency: Develop an ordinance for water efficiency in the foothills that includes:
 - a. Establish appropriate irrigation criteria for the Foothills including maximum irrigated area, plants types and evapotranspiration rates.
 - b. The implementation of water efficient automatic irrigation systems for landscape areas that include:
 1. Moisture sensor
 2. Automatic controller capable of multiple start times/zones
 3. Limit spray heads to turf/flower beds only
 4. Encourage the use of reclaimed water for irrigation
 5. Limits/regulate the use of outdoor water features (fountains/pools)
 - c. Encourage the use of water efficient fixtures and appliances within buildings.
 2. Landscaping: Develop landscape criteria, guidelines, ordinances and a community education program appropriate to Foothills that includes the following:
 - a. A plant list of recommended/prohibited plants
 - b. Encourage the use of drought resistant native plants
 - c. Prepare a list of recommended plants that are native to the Eagle Foothills
 - d. Limit/regulate the use of turf (define maximum percentage of total landscape area that can be turf) with adjustments based on the type of turf used i.e., a greater percentage for lawns utilizing drought tolerant fescue and rye turf rather than more water dependent Kentucky bluegrass
 - e. Encourage public education on progressive landscape principles
 - f. Establish policies for the re-vegetation of disturbed areas in the Foothills
 - g. Establish policies for use of native plants on non-irrigated slopes
 3. Architecture and Design: Develop a Foothills specific architecture and site design book that includes the following:
 - Architectural styles appropriate to foothills
 - Regulates Colors/materials
 - Ensure that development relates to surroundings
 - Promote high quality of design and workmanship
 - Provide incentives for Green buildings/water efficiency
 - Establish criteria for individual building siting
 - Clustering/range of densities and housing types
 - Forms/massing/scale

Example 3

- Roofs below significant ridgelines
- Fire Resistant Materials
- Utilization of best practices for defensible space, fire protection and suppression
- a. Develop guidelines for development in the foothills that includes the following:
 1. Establish a pattern language for the Eagle Foothills that gives particular attention to the use of appropriate forms, massing and scale that relates to the Foothills landscape and topography.
 2. Encourage progressive, creative, high quality and environmentally sensitive development within a range of product types through the use of appropriate materials, colors and design.
 3. Develop standards that throughout this process promote efficient clustered varied and significant architectural projects.
 4. Establish a foothills residential design review board that is composed of highly qualified informed citizens and that all projects submitted to the board be required to be designed by an Idaho registered architect.
- 4. Site Planning Criteria: Develop site development plans sensitive to existing foothills characteristics including visually sensitive area, open space and existing/sensitive land forms (See Map 6.17).
 - a. Encourage clustered development to ensure quality open space is provided. (See Figure 6.14)

Figure 6.14: Comparison of Standard versus Cluster Development



Standard Development

Cluster Development

- b. Establish policies for road design and building placement sensitive to topography and view sheds.
- c. Establish policies for grade adaptive structure placement to mitigate the visual impact of development. (See Figure 6.15)

Example 3

Figure 6.15: Grade Adaptive Structures



25% Up Slope Lot



25% Down Slope Lot

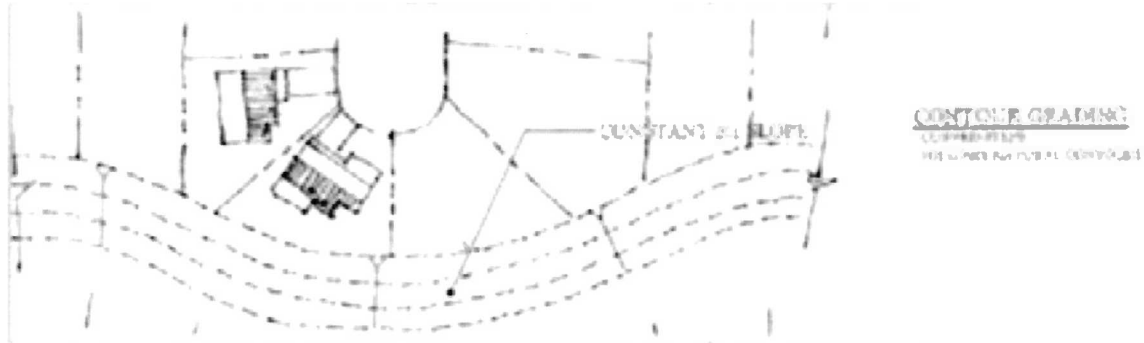


Slope Condition

- d. Encourage contour grading that blends with existing landforms. (See Figure 6.16)

Example 3

Figure 6.16: Contour Grading



- e. Require lateral and structural grading to be conducted by licensed engineers.
- f. Buffer and plantings in Foothills should be sensitive to foothills characteristics and should not include uniform berms with mass plantings. Berms, if used, should be shaped to blend in with the existing topography.
- g. The City recognizes that the placement of development within the foothills will create the need for significant improvements both internally and externally to the area. These impacts should be adequately assessed and distributed among the land owners within the foothills.

D. ZONING CODE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

- Eagle City Code Section 8-2-1: Districts Established, Purposes and Restrictions:

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in an R district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. Multi-family and two-family units/developments are prohibited in R-1, R-2, R-3, R-4 and R-5 zoning districts, unless approved as part of a planned unit development (PUD). Centralized water and sewer facilities are required for all subdivision and parcel division applications submitted after the effective date hereof in all zoning districts except the city council may permit the use of individual well(s) and septic system(s) in the A, A-R and R-E zoning districts upon a determination that the public health, safety, and welfare will not be negatively impacted. Whenever there is a conflict or difference between the provisions of this section and those of other chapters and/or other titles, the chapter or title with the more restrictive provision shall prevail. When a property is being proposed for rezone to the R zoning district, a development agreement may be utilized in lieu of the PUD and/or conditional use process if approved by the city council, provided the development agreement includes conditions of development that are required during the PUD and conditional use process.

P PLANNED UNIT DEVELOPMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., R-4-P), indicates that the development was approved by the city as a planned unit development. Density transfers may have been permitted as a part of the overall development.

DA DEVELOPMENT AGREEMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement. Specific provisions, as may have been incorporated within the development agreement, are applicable to development within this zoning designation.

Example 3

- Eagle City Code Section 8-2-4: Schedule of Building Height and Lot Area Regulations:

Zoning District	Maximum Height	Minimum Yard Setbacks Note Conditions A To E*				Maximum Lot Covered F And J*	Minimum Lot Area (Acres Or Square Feet) H*	Minimum Lot Width I*
		Front	Rear	Interior Side	Street Side			
R-1	35'	30'	30'	15'	30'	40%	37,000	75'

B. Additional 5 feet per story side setback is required for multi-story structures. Height not to exceed maximum allowed within the zone.

G. All front load garages shall be set back a minimum of 25 feet from the back of sidewalk.

- Eagle City Code Section 8-2A-7: Landscape and Buffer Area Requirements:

C. Retention, Removal, and Replacement of Trees:

1. Retention Of Existing Trees:

a. Existing trees shall be retained unless removal is approved in writing by the city.

2. Removal And Replacement Of Existing Trees:

a. Where trees are approved by the city to be removed, replacement with a species identified in section 8-2A-7Q of this article is required. For each caliper inch of deciduous tree removed, an equivalent amount of caliper inches shall be replanted. For each vertical foot of coniferous tree removed, an equivalent amount of vertical feet shall be replanted.

J. Buffer Areas/Common Lots:

4. Major Roadways: New residential developments, including, but not limited to, subdivisions and multi-family developments, shall be buffered from streets classified as collectors, arterials, freeways, or expressways, to protect residential communities from noisy, potentially dangerous, high speed roads. The "buffer area" shall be defined as a common lot located between the residential lots within the subdivision and the right of way line of the adjacent roadway. This buffer is required as part of the common area open space owned and maintained by a homeowners' association. Any landscaping proposed to be within the public right of way shall not be included as a part of the buffer area required below. The height for berming/fencing, as noted below, shall be measured from the elevation of the final grade of the adjacent roadway (measured at the centerline) to the top of the proposed berming/fencing. The required buffer area width, plantings, and fencing are as follows:

b. Any road designated as a minor arterial on the master street map typologies map in the Eagle comprehensive plan:

A minimum of fifty feet (50') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: five (5) shade trees, eight (8) evergreen trees, three (3) flowering/ornamental trees, and twenty four (24) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted.

A minimum five foot (5') high, maximum eight foot (8') high, berm, decorative block wall, cultured stone, decorative rock, or similarly designed concrete wall, or

Example 3

combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. If a decorative block wall, cultured stone, decorative rock, or similarly designed concrete wall is to be provided, in combination with the berm, a four foot (4') wide flat area shall be provided for the placement of the decorative wall. Chainlink, cedar, and similar high maintenance and/or unsightly fencing shall not be permitted.

M. Parkway Strips, Separated Sidewalks, and Street Trees:

1. Except as may otherwise be required within the DDA, TDA, CEDA, and DSDA sidewalks shall be separated from the curb along all streets. An eight foot (8') wide minimum parkway planter strip planted with shade class (class II) trees shall be required between the sidewalk and street to provide a canopy effect over streets.
2. In all required applications, excluding residential developments, one street tree, selected from the approved tree list in subsection Q of this section, shall be planted per thirty five (35) linear feet of street frontage.
3. Within residential developments one shade class (class II) tree selected from the approved tree list in subsection Q of this section shall be located on both sides of all streets within the eight foot (8') wide landscape strip between the sidewalk and the curb. Trees shall be planted at the front of each lot generally located on each side lot line corner with the distance between trees to be a minimum of thirty five feet (35') and a maximum of eighty feet (80') of street frontage.
4. In all cases, any planting within public rights of way shall be with approval from the public and/or private entities owning the property.

- Eagle City Code Section 8-3-3: Supplemental Yard and Height Regulations:

B. Fences:

1. In any front yard area, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and one-half feet (2 1/2') measured from the centerline grade of the adjacent street. Picket style fences where fifty percent (50%) of the fence remains open may be permitted up to four feet (4') in height. Chainlink fencing is prohibited in any front yard area.
2. Fencing located adjacent to any street identified as a collector or arterial on the transportation and pathway network plan in the Eagle comprehensive plan, and on the street side of all corner lots, shall be an open fencing style such as wrought iron or other similar see through, decorative, durable fencing material, except as otherwise may be permitted in subsection 8-2A-7J of this title.
3. Chainlink fencing is prohibited in the R (Residential) Zoning District.
4. A permit is required prior to the construction of a fence in any front yard area and along any street within the City subject to the application requirements established in section 8-7-2 of this title.

- Eagle City Code Section 8-6-1: Planned Unit Developments: Purpose, Goals, and Objective:

- A. Purpose: The purpose of this chapter is to establish clear development standards that will achieve the city of Eagle's vision for development as presented in the Eagle comprehensive plan. The standards will be designed to create livable communities that provide exemplary open spaces and recreational opportunities, that encourage a diversification of housing types, styles and living options for a wide range of income levels and lifestyles, and thereby enhance the living experience within the city of Eagle.

Example 3

- B. Goals: To provide guidance and establish expectations for development within the city of Eagle. The PUD provides clear standards and options for development within the city including lot sizing, open space and the diversification of housing types.
 - C. Objective: To guide land development and construction through the planned unit development (PUD) to achieve the following:
 - 1. A maximum choice of living environments by allowing a variety of housing and building types, lot dimensions, yards, building setbacks and area requirements;
 - 2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses, office uses and services;
 - 3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
 - 4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and
 - 5. A development pattern in harmony with the objective for land use density, transportation and community facilities as presented in the comprehensive plan.
- Eagle City Code Section 8-6-5-5: Arrangement of Residential Units:

To encourage land use plans to be submitted as a planned unit development (PUD) so as to provide an enhanced integration of open space and a variety of housing options, the following design criteria shall be considered by the city:

- A. All lots within the PUD shall comply with the minimum lot size in the underlying zone as established in section 8-2-4 of this title, except that a decrease in the minimum lot size may be allowed if there is an "offsetting increase" of the same square footage in open space and a favorable finding is made by the council that the smaller lots are appropriately integrated into the overall design and that the building product type is compatible with the PUD and surrounding area.

As an incentive to submit a PUD versus a standard subdivision, the initial starting point for minimum open space, prior to any "offsetting increase" being added, shall be the area that is equal to ten percent (10%) of the site. This allowance shall only be permitted under the following criteria:

- 1. The total common area open space shall be equal to or greater than twenty percent (20%), inclusive of the "offsetting increase" square footage.
- 2. A favorable finding by the council must be obtained assuring that character, identity and architectural and siting variation are incorporated into the development and that these factors make up a substantial contribution to the objectives of the PUD. These design elements are as follows:
 - a. Landscaping, streetscape, open spaces and plazas, use of existing landscaping, pedestrianway treatment and recreational areas;
 - b. Siting, visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks and building grouping (such as clustering); and
 - c. Design features, street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features and varied use of housing types.

Example 3

3. Setbacks for modified lots sizes shall conform with the closest compatible base zone under section 8-2-4 of this title.
- Eagle City Code Section 8-7-3-5: Conditional Use Permit:
 - D. Conditions Of Permit: Upon the granting of a conditional use permit, conditions may be attached to said permit including, but not limited to, those:
 1. Minimizing adverse impact on other development;
 2. Controlling the sequence and timing of development;
 3. Controlling the duration of development;
 4. Assuring that development is maintained properly;
 5. Designating the exact location and nature of development;
 6. Requiring the provision for on site or off site public facilities or services; and
 7. Requiring more restrictive standards than those generally required in this title.
 - Eagle City Code Section 8-7-5(D): General Procedure for Amendments: Zoning districts shall be amended in the following manner:
 4. If the request is not in accordance with the Comprehensive Plan, the request shall be submitted to the planning or planning and zoning commission, or in its absence, the council, which shall recommend, and the council may adopt or reject an amendment to the comprehensive plan, under the notice and hearing procedures in section 67-6509, Idaho Code. After the comprehensive plan has been amended, this title may then be amended as hereinafter provided for.
- E. SUBDIVISION CODE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:
- Eagle City Code Section 9-2-3(E): Preliminary Plat:
 - E. Approval Period:
 1. The preliminary plat shall be null and void if a final plat application is not received by the city and deemed complete by the Zoning Administrator within two years from the approval date of the city council findings of fact and conclusions of law for the preliminary plat.

If an application for extension of time is received by the city prior to the expiration date of the preliminary plat a maximum twelve (12) month extension of the time limit on the approved preliminary plat may be granted by the city council, at its sole discretion, if the following findings are made:

 - a. There are no outstanding city code or plat approval violations on the subject property. If such violations exist, they may be conditioned by the city council to be cured as a condition of the extension of time;
 - b. The preliminary plat, as previously approved, remains in the best interests of the health, safety, and general welfare of the city;
 - c. There have been no significant changes to this code between the date of preliminary plat approval and the application date of the time extension request that would require substantial modifications to the project;
 - d. There are no hazardous conditions which have developed or have been discovered on the project site;
 - e. The public facilities and services required for the project remain adequate;

Example 3

- f. The applicant has provided a viable and acceptable plan which demonstrates that the final plat application will be filed within the year; and
 - g. The applicant has provided a schedule that depicts the anticipated timing for the filing of the final plat application within the year.
2. The city council reserves the right to revoke the extension of time approval if it finds that any of the criteria herein are not met.
 3. This section does not limit the number of extensions the city council may grant to an applicant so long as the criteria set forth in subsection E1 of this section are met. Nothing in this section requires the city council to grant any extension of an approval period. Upon filing an extension of time application, the timing for expiration of the preliminary plat shall be tolled until final action on the application has been made by the City Council.
 4. Projects with approved phasing plans do not need time extensions, so long as the construction of improvements do not cease for more than one year in any given phase.
 5. In the event that the development of the preliminary plat is made in successive, contiguous segments through an approved phasing plan in an orderly and reasonable manner, and conforms to such segments, if submitted within successive intervals for one year, it may be considered for final approval without resubmission for preliminary plat approval.
- Eagle City Code Section 9-2-4: Final Plat:
 - E. Approval Period: The final plat shall be filed with the county recorder within one year after the date of written approval by the city council. Otherwise such approval shall become null and void unless the subdivider, prior to said expiration date, applies for an extension of time and such extension is granted by the city council.
 1. A maximum twelve (12) month extension of the time limit of the approved final plat may be granted by the city council, at its sole discretion, if the following findings are made:
 - a. There are no outstanding city code or plat approval violations on the subject property. If such violations exist, they may be conditioned by the city council to be cured as a condition of the extension of time;
 - b. The final plat, as previously approved, remains in the best interests of the health, safety, and general welfare of the city;
 - c. There have been no significant changes to this code between the date of final plat approval and the application date of the time extension request that would require substantial modifications to the project;
 - d. There are no hazardous conditions which have developed or have been discovered on the project site;
 - e. The public facilities and services required for the project remain adequate;
 - f. The applicant has provided a viable and acceptable plan which demonstrates how recordation of the final plat will occur within the year; and
 - g. The applicant has provided a schedule that depicts the anticipated progress for completion of the final plat within the year.
 2. The city council reserves the right to revoke the extension of time approval if it finds that any of the criteria herein are not met.

Example 3

3. This section does not limit the number of extensions the city council may grant to an applicant so long as the criteria set forth in subsection E1 of this section are met. Nothing in this section requires the city council to grant any extension of an approval period.

- Eagle City Code Section 9-3-2-5: Private Streets and Private Alleys:

Private streets and private alleys may be permitted, in the discretion of the council, subject to the following:

- A. Compliance: The council must find that any proposed private streets or private alleys are in compliance with each of the following criteria:
 1. Unique or special circumstances exist with respect to the proposed use, design, location, topography, or other features of the development or its surroundings such that private streets and or private alleys will serve to enhance the overall development.
 2. Safe and effective movement of both vehicular and pedestrian traffic, sidewalks, and parking are provided.
 3. Adequate access for service and emergency vehicles is provided.
 4. Access and good transportation planning to adjacent property and to the area travel networks is not adversely affected.
 5. Adjacent property will not be landlocked by the site layout.
 6. Other than to provide emergency access, the private streets, or private alleys, do not connect one public street to another, thereby encouraging travel through the development served by the private street; provided, however, that in order to provide secondary access, a private street may have more than one connection to a public street and/or may be connected to more than one public street if access thereto is controlled by automatic gates or other control devices approved by the council.
 7. The use or alignment of the private streets or alleys do not interfere with the continuity of public streets.
 8. An appropriate mechanism has been established for the repair and maintenance of the private streets and private alleys, including provisions for the funding thereof.
 9. Private streets and private alleys are only permitted within a planned unit development and are limited to providing access to no more than ten percent (10%) of the lots, except that private streets and private alleys may serve all single family attached dwelling lots.
- B. Construction And Design Standards: Private streets and private alleys shall conform to the following construction and design requirements:
 1. All private street and private alley construction shall be in accordance with Ada County highway district's structural standards for streets and alleys including base course and asphaltic concrete mat thickness utilizing the appropriate traffic index or as may be recommended by the city engineer and approved by the city council, and shall further be in accordance with Ada County highway district's intersection design and drainage requirements, or as may be recommended by the city engineer and approved by the city council.
 2. Except as may be otherwise set forth in this section, private streets and private alleys shall meet such design and dimensional requirements as the council may determine are appropriate considering the proposed use and the site upon which the private streets are to be placed, however, all private streets shall contain paved travel lanes a minimum of twelve feet (12') in width and private alleys shall contain paved travel lanes a minimum of ten feet

Example 3

(10') in width and shall provide for the safe, convenient, and effective movement of both vehicular and pedestrian traffic for private streets and vehicle traffic for private alleys. Vertical curbing shall be provided for private streets that are less than thirty-four feet (34') in total width. Alleys must utilize other curb types.

3. Sidewalks shall be required in accordance with subsection 9-4-1-6F of this title. However, alternative sidewalk and landscape strip designs may be approved by the City Council based upon a finding made by the Council that characteristics and qualities of the development justify the alternate design. Sidewalks and planter strips, as referenced within subsection 9-4-1-6F of this title, shall not be required along alleys.
4. The design engineer shall identify on the construction drawings for the review and approval by the city engineer, all traffic signs needed for the project, including, but not limited to, designated parking and "no parking" areas, speed, stop, and such other signs as are required for safe pedestrian and vehicle travel.
5. All private streets and private alleys shall, during the progress of construction, be inspected and tested, at the expense of the owner or developer, by a qualified inspector in order to ensure compliance with the construction and design standards set forth in this section, the construction drawings as prepared by the registered professional engineer, and good engineering and construction practices. Reports of such inspections and tests shall be submitted, together with a certification of such compliance, for the review and approval by the city engineer.
6. All dead-end private streets and private alleys shall terminate at one of the following approved turnaround areas:
 - a. A cul-de-sac designed in accordance with the provisions of subsection 9-3-2-1G of this chapter and subject to the approval of the Eagle fire district and city engineer and provided further that proper maintenance of the island is provided for;
 - b. A hammerhead/tee type turnaround or as may be otherwise approved by the Eagle fire district and the city engineer; or
 - c. Such other turnaround area as may be approved by the Eagle fire district, city engineer, and city council.
 - d. Private streets and private alleys not exceeding 150-feet may terminate with no turnaround if approved by the Eagle Fire District.
7. The design of all private streets and private alleys and related storm drainage facilities shall be prepared by a licensed professional engineer in the state in substantial conformance with engineering and design standards in effect at the time of preparation of the design. Construction drawings, together with a certification of such conformity, shall be submitted for the review and approval by the city engineer. No part of this section shall be construed as allowing a private street that is not in conformance with current engineering and design standards.
8. If any provision of this section is found to be in conflict with any other applicable provision of this title, the provision which establishes the higher and/or more restrictive standard shall prevail, unless specifically determined otherwise by the city council.

Example 3

- C. Access And Maintenance Requirements: Provisions shall be made for the future maintenance of and access to private streets and private alleys as follows:
1. A plan and schedule for the future repair and maintenance of the private street and private alley and drainage facilities for the period of the expected lifetime thereof and a cost estimate therefor prepared by a licensed professional engineer in the state, together with a proposed method for funding the same, including, but not limited to, the creation and maintenance of a reserve fund for that purpose, shall be submitted with the final plat application for review and approval by the city engineer and city council.
 2. The location of private streets and private alleys shall be clearly depicted on the face of the plat and notes shall be included on the face of the plat which shall:
 - a. Act to convey to each lot owner within the subdivision to be served by the private streets or private alleys the perpetual right of ingress and egress over the described private street;
 - b. Provide that such perpetual easement shall run with the land; and
 - c. Provide that the restrictive covenant for maintenance of the private streets or private alleys cannot be modified and the homeowners'/property owners' association or other entity cannot be dissolved without the express consent of the city.
 3. A restrictive covenant for repair and maintenance of the private streets or private alleys shall be recorded at the time of recording the plat which said covenant shall create a homeowners'/property owners' association or substantially similar entity and make provision for the perpetual maintenance of the private streets or private alleys in accordance with the approved plan as provided for in subsection C1 of this section. Said restrictive covenant shall also provide that the said covenant shall run with the land and that the said covenant cannot be modified and that the homeowners'/property owners' association or other entity cannot be dissolved without the express consent of the city. The said restrictive covenant shall be reviewed and approved by the city attorney prior to certification and signing of the final plat by the city engineer.
 4. The council may, in the reasonable exercise of its discretion, order the owners or the entity responsible for the maintenance of any private streets or private alleys approved in accordance with the provisions of this section to undertake such repair and maintenance activities as it may determine is necessary to protect the public health, safety, or welfare and make such expenditures from the funds reserved therefor as may be required thereby; and the owner or responsible entity shall, as a condition of approval of any such private street, be deemed to have agreed to comply with any such order and to reimburse the city all of its costs, including attorney fees, incurred in obtaining or enforcing any such order. Any order entered by the council pursuant to this subsection may be enforced by a court of competent jurisdiction and the city shall be entitled to recover its costs and attorney fees incurred in connection therewith.
- D. Conformity To Comprehensive Plan: All private streets and private alleys shall, in all respects, conform to all applicable components of the comprehensive plan.
- E. Waiver: The council may waive or modify any of the standards or requirements of this section when the private streets or private alleys have been determined to be an integral element of the overall plan and scheme of the development or will serve to enhance the overall development; provided, however, that any such waiver shall not be injurious to public health or safety.

Example 3

- Eagle City Code Section 9-3-9: Water System:

The provision of a public water system shall conform to the following standards:

- A. All subdivisions within the Eagle city water service area shall comply with title 6, chapter 5 of this code.

- Eagle City Code Section 9-4-1-5: Streetlights:

All subdividers within the city limits shall be required to install, at the subdividers' expense, streetlights in accordance with city specifications and standards at locations designated by the administrator. After inspection and confirmation of installation and operation by the administrator, the subdivider (and subsequent homeowners' association) shall assume ownership of the streetlights and shall pay the cost of maintenance and power in perpetuity. (Ord. 566, 5-15-2007; amd. Ord. 820, 12-10-2019)

- Eagle City Code Section 9-4-1-6: Pedestrian/Bicycle Pathway and Sidewalk Regulations:

- A. Intent: The placement of pathways is intended to encourage nonmotorized forms of travel, and to provide safe, convenient and aesthetic alternative travel routes to common destinations such as schools, parks, shopping centers, etc. The following factors will be considered in the placement of any pathway: the utility and need for a given pathway, impacts to existing neighborhoods, compliance with the comprehensive plan and trails and pathways master plan pathway design as it relates to both crime prevention and function, and the responsibilities of ownership, maintenance, and liability.

- B. Location:

1. The city shall require the creation and maintenance of pathways (except in cases where it is shown to be inappropriate), that provide access to adjacent:

- a. Schools;
- b. Public parks;
- c. Adopted pathway elements within the comprehensive plan trails and pathways master plan;
- d. Neighborhoods;
- e. Shopping areas;
- f. Public lands;
- g. Transportation or other community facilities, and vacant parcels, held either publicly or privately which could provide future neighborhood connection(s) to the above noted sites; and
- h. In similar cases where deemed appropriate.

2. In addition, pathways may be required to connect sites other than those noted above:

- a. When there is evidence that a pedestrian/cyclist would otherwise be forced to travel alongside a designated arterial roadway, or other roadway that may be hazardous for nonmotorized forms of travel, in order to reach the desired destination, or
- b. When the pedestrian/cyclist would otherwise have to travel a distance of more than one-half (1/2) mile alongside a local or collector roadway in order to reach the desired destination.

- Eagle City Code Section 9-4-1-8: UNDERGROUND UTILITIES:

Underground utilities are required. (Ord. 566, 5-15-2007)

Example 3

- Eagle City Code Section 9-5-4: Planned Unit Development Subdivisions:

A planned unit development is a mechanism by which the City may permit a variety in type, design, and arrangement of structures; and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety and welfare. A planned unit development allows for innovations and special features in site development, including the location of structures, conservation of natural land features, conservation of energy and efficient utilization of open space. Large scale developments as defined herein shall be submitted as planned unit developments.

- Eagle City Code Section 9-5-8: Subdivision within an Area of Critical Concern:

B. Designation Of Areas Of Critical Concern: Hazardous or unique areas may be designated as areas of critical concern by the city council or by the state of Idaho. Special consideration shall be given to any proposed development within an area of critical concern to assure that the development is necessary and desirable and in the public interest in view of the existing unique conditions. Hazardous or unique areas that may be designated as areas of critical concern are as follows:

1. Earthquake location;
2. Unstable soils;
3. Unique animal life;
4. Unique plant life;
5. Scenic areas;
6. Historical significance;
7. Floodplain;
8. Center city;
9. Areas within the area of city impact 1 , but outside city boundaries; and
10. Other areas of critical concern.

B. Environmental Assessment Plan: The developer shall prepare and submit an environmental assessment along with the preliminary plat application for any development that is proposed within an area of critical concern.

The contents of the environmental assessment shall be prepared by an interdisciplinary team of professionals that shall provide answers to the following questions:

1. What changes will occur to the area of environmental concern as a result of the proposed development?
2. What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
3. What changes in the area of environmental concern are unavoidable?
4. What beneficial or detrimental effect would the development have on the environment including, but not limited to, animal life, plant life, social concerns, economic, noise, visual, available farmland and other items.

Example 3

C. Areas Of Critical Concern: The following areas are specifically identified as areas of critical concern:

1. Boise River Floodplain: The Boise River floodplain and certain intervening and immediately adjacent areas are designated as areas of critical concern due to their ecological and scenic significance. This area comprises the two (2) channels of the Boise River and intervening and immediately adjacent areas, as depicted on the land use designation map of the most recently adopted comprehensive plan, as a "special area", including that portion in the Eagle impact area.

F. TITLE 11B AVIMOR DEVELOPMENT CODE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

- Eagle City Code Section 11B-3-5: Avimor Design Guidelines:

The purpose of the Avimor Design Guidelines (ADG) book is to show, through the use of figures, photographs, and text, specific period architectural styles, themes, and elements envisioned through the requirements of this Chapter. The ADG book, established through a resolution of the City Council, contains many of the exhibits referenced in this Chapter and is incorporated herein by reference. The architecture styles found in the ADG book are permitted architecture styles. All applications made pursuant to this Chapter shall be reviewed in accordance with the ADG and this Chapter. If any provision of the ADG book is found to be in conflict with any other provision of this Chapter, the provision established in this Chapter shall prevail. (Ord. 895, 4-25-2023)

- Eagle City Code Section 11B-3-6: Design Requirements, Objectives and Considerations:

A. General Objectives And Considerations: The following, including the provisions set forth in this Chapter contain a listing of objectives applied to each application, and a listing of matters that 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 Chapter. The Design Review Board shall consider the following criteria in reviewing the application:

1. Site Design Objectives
2. Site Landscaping
3. Site Grading and Drainage
4. Signage
5. Utilities
6. Building Design

B. Architectural Requirements, Building Materials, Colors, Exterior Areas And Building Height/Mass Limitation: Unless specified as prohibited herein, materials listed in this Chapter are allowed. If a material proposed for construction is not listed in this Chapter it shall be upon the discretion of the Avimor Design Review Committee, the Administrator, the Design Review Board, and the City Council, whichever the case may be, to determine the appropriateness of such material.

7. Exterior Wall and Soffit
8. Roofs
9. Colors

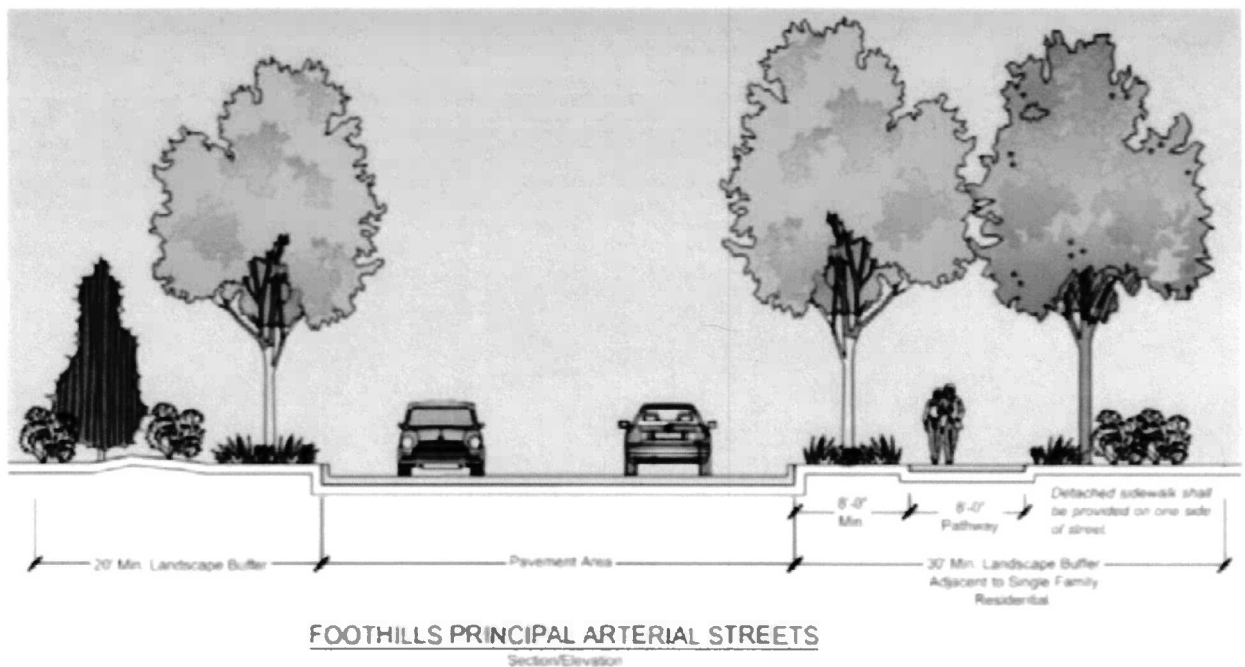
Example 3

- Eagle City Code Section 11B-3-7: Landscape and Buffer Area Requirements:
 - A. Overview and Intent: The built landscape within Avimor will embrace the surrounding natural landscape as the foundation for design. Preservation and integration of native vegetation and materials is critical to preserving a sense of place. It also provides an opportunity to enhance habitat and to create a seamless transition to the more urban environments which bind the development together. This transition will occur in accordance with the following practices:
 1. Preserve native vegetation and plants in all undisturbed areas;
 2. Plant selection shall be from the preferred plant list, see Section 11B-3-7(W) of this Chapter, appropriate to varied site locations and land uses;
 3. When adjacent to undisturbed natural features, blend structures with the existing terrain through landscape design and selection of plant material;
 4. Use plant materials to reduce Building scale and mass to help integrate the structure into its surroundings;
 5. Protect areas disturbed by construction from erosion by revegetation as soon as possible after completion of such activity as seasonal conditions allow;
 6. Climate conditions and Building orientation shall guide the type and location of trees and shrubbery;
 7. Water conservation and sustainability shall guide plant location and groupings, and mulching shall be encouraged to preserve moisture in planting beds;
 8. Mixed Use/Commercial planting may include deciduous trees of a minimum of a two (2") inch caliper in size and character to provide shading for pedestrians, roadways, and Buildings during the summer, and conversely, to enable solar gain during winter months;
 9. Windbreaks and buffering of noise and light will be considered in the design and placement of trees and shrubbery;
 10. Except for fire-defensible areas, undeveloped land and undisturbed Lot Areas shall not be irrigated or landscaped, other than for enhancement or restoration of drought resistant plants and grasses; and
 11. Where appropriate, new landscaping should be less or nonpalatable to wildlife as outlined in Section 11B 3-7 W, Plant Section Guide.
 - B. Landscape as Percent of Site
 - C. Retention, Removal and Replacement of Trees
 - D. Prohibited Materials and Landscaping
 - E. Installation and Minimum Standards
 - F. Maintenance
 - G. Completion Time
 - H. Irrigation Required
 - I. Buffer Areas/Common Lots
 - J. General Landscaping Guidelines
 - K. Landscaping Materials
 - L. Streetscapes

Example 3

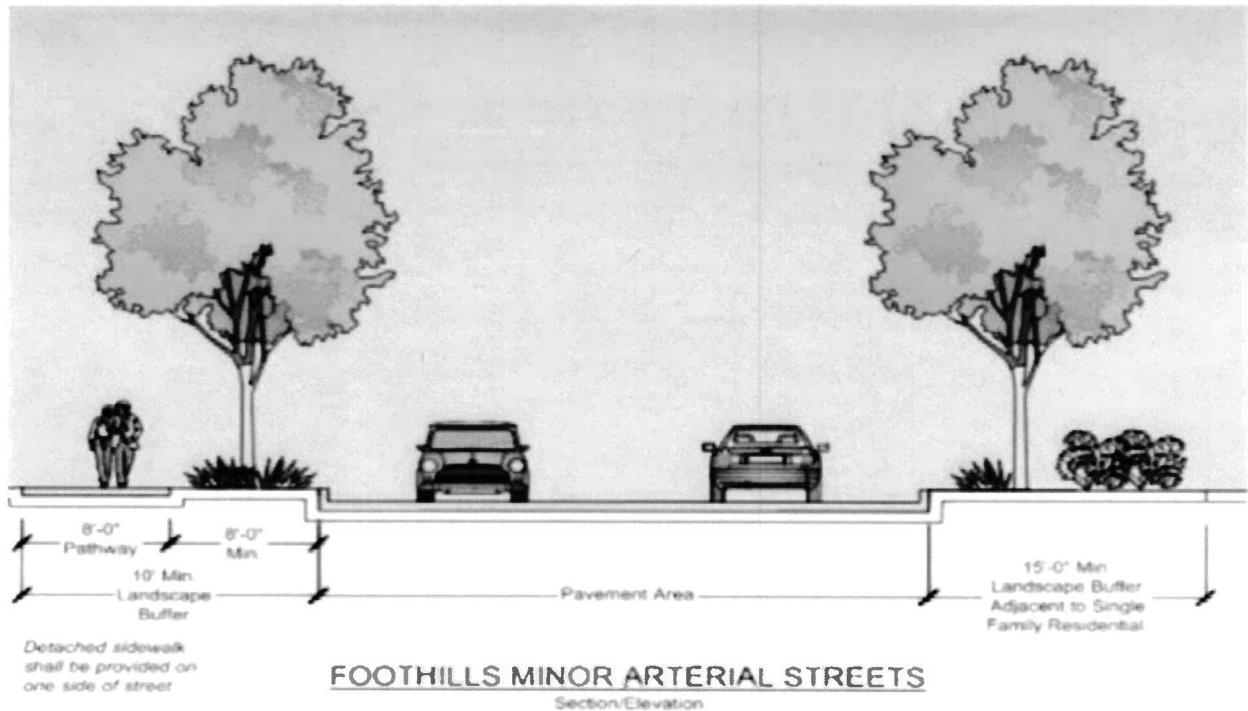
- a. The landscape buffer for Foothills Principal Arterials shall be twenty feet (20') minimum except adjacent to single family residential uses where it shall be thirty feet (30') minimum. See Exhibit 3.3 and 3.4 for example;
- b. The landscape buffer for Foothills Minor Arterials shall be ten feet (10') minimum except adjacent to single family residential uses where it shall be fifteen feet (15') minimum. See Exhibit 3.3 and 3.4 for example;
- c. A detached sidewalk shall be provided on both sides of the street at least eight feet (8') from the back of curb. The sidewalk shall be a minimum of eight feet (8') wide and may or may not meander depending on the Streetscape approved by the City with the preliminary plat. Sidewalks may be attached to the curb in front of bus pullouts but shall be six feet (6') minimum width in such locations. An eight-foot (8') wide multi-use pathway on one side of the road, in lieu of sidewalks, may be implemented;
- d. Landscape buffers adjacent to Natural Open Space shall not be irrigated landscape. These areas shall be reseeded back to their natural state; and
- e. The following plant material shall be provided, at a minimum, within the limits of the buffer area along arterial streets:
 - (1) One (1) tree per eighty (80) linear feet of street frontage on each side of the street except next to single-family residential uses where there shall be one (1) tree per sixty (60) linear feet
 - (2) One (1) shrub/ground cover per one hundred (100) s.f. of buffer area (excluding sidewalks, drives and other Hardscape areas). Turf may be used in place of shrubs/ground covers, but the amount used shall not exceed twenty-five percent (25%) of the landscape area on a plat by plat or phase by phase basis.

Exhibit 3.3



Example 3

Exhibit 3.4



- M. Wildlife Crossings
- N. Wetland/Riparian Areas
- O. Slope Revegetation and Naturalized Areas
- R. Wildfire Protection
- V. Grading and Drainage
- W. Plant Selection Guide

- Eagle City Code Section 11B-3-9: Lighting:
- Eagle City Code Section 11B-11C-2-1: Location and Design:

F. Cul-De-Sac Streets: Cul-De-Sac Streets shall not be more than three thousand feet (3,000') in length and shall terminate with an adequate circular turnaround having a minimum radius of fifty feet (50') of right of way including a landscape island with a minimum radius of ten feet (10'). A minimum of forty feet (40') of paved surface shall be provided between the landscape island and the outside edge of the Street as measured from the face of curb of the island to the face of curb located on the outside edge of the Street. All Cul-De-Sac Streets shall include bulb-outs every seven hundred fifty feet (750') to allow for emergency vehicles to turn around. No more than thirty (30) Lots, without Eagle Fire Departments written approval, shall be located on any Cul-De-Sac Street between bulb-outs or beyond the final bulb-out. Exceptions to the requirements set forth in this paragraph may be considered by the Council if approved by the fire department and the Highway district having jurisdiction.

Example 3

G. DISCUSSION:

- There is an existing Water Service Agreement (*Agreement for Service by and between Avimor Development, LLC, Sage Investment Partners, LLC, and City of Eagle*), recorded April, 13, 2022 [Ada County instrument number: 2022-036228] that establishes specific processes, requirements, and understandings of how the subject property is to be provided with water service. The subject property should be required to be developed pursuant to the terms established within the Water Service Agreement.
- Owner shall comply with the terms and conditions of the Water Service Agreement for the construction and dedication of the Project's Water System. Owner's obligation to construct Water System improvements shall be carried out in phases as the development progresses and such water system improvements are necessary. Following dedication of any water system facilities, pursuant to this Agreement or the Water Service Agreement, City shall own and maintain the dedicated Water System facilities. Master Developer may seek reimbursement for eligible Water System costs pursuant to the Water Service Agreement.
- The Water Service Agreement (*Agreement for Service by and between Avimor Development, LLC, Sage Investment Partners, LLC, and City of Eagle*), recorded April, 13, 2022 [Ada County instrument number: 2022-036228] states within the "Terms of Agreement", Item #6, "The City of Eagle agrees to provide municipal water to the area of service ... Prior to submittal of development plans to the City of Eagle, Sage shall submit a supplemental Master Water Plan detailing the project for review and approval by City of Eagle." The applicant has not submitted a formalized supplemental Master Water Plan for the subject property to the City, for review and approval. The Owner should be required to submit a Master Water Plan to the City for review and approval prior to submitting to IDEQ for approval. The Owner should be required to submit the Water Master Plan to the City for review and approval with the first final plat application associated with the subject property.
- The water rights for the subject property were transferred to the City of Eagle upon execution of the Water Service Agreement (*Agreement for Service by and between Avimor Development, LLC, Sage Investment Partners, LLC, and City of Eagle*), recorded April, 13, 2022 [Ada County instrument number: 2022-036228], states that the Owner has surrendered their existing water rights for the subject property to the City of Eagle. In exchange, the City, by means of the water system built by Avimor Development and subsequently transferred to the City of Eagle, will allocate 250 EDUs (Equivalent Dwelling Units) of water (200 EDUs for domestic water and lot irrigation and 50 EDUs for development irrigation purposes) to the Sagehill development. This provision allows the Sagehill development the ability to connect to the "City of Eagle – Avimor" water system for the purposes of providing domestic and irrigation water. The allocation of the 250 EDUs is to be authorized by the City Council of the City of Eagle, but Avimor Development has provided a letter stating their acknowledgement of the allocation of 250 EDUs and that the allocation of EDUs will contribute to the declining balance of EDUs for the Avimor and Sagehill projects of 1,572 EDUs. The 250 EDUs should remain in place until Sagehill is able to utilize them, leaving Avimor Development with a total of 1,322 EDUs for their use. If the Eagle City Council chooses to approve this request, the Sagehill property should be allocated 250 Equivalent Dwelling Units (EDUs) of water (200 EDUs for domestic water and lot irrigation and 50 EDUs for development-specific (common area) irrigation purposes), to be utilized by the subject property.
- The applicant has requested that the irrigation water for all irrigated common areas and individual lots be provided by the City of Eagle's potable water system and it is possible that the irrigation system be converted to a reclaimed system when reclaimed water becomes available to the property by the Avimor Water Reclamation Company (AWRC). The applicant's pressurized irrigation plan, submitted by the applicant and date stamped by the City

Example 3

on August 8, 2025, delineates the maximum area of irrigatable area within each residential lot (inclusive of grass (spray/rotor style irrigation) or shrub area (drip irrigation). The maximum allowable irrigatable area, when potable water is to be utilized for irrigation water, for each lot should be limited pursuant to the following:

- Lots 2-16, Block 1: 2,500 square feet, max.
- Lots 18-20, Block 1: 2,500 square feet, max.
- Lots 2-22, Block 2: 2,500 square feet, max.
- Lots 25-52, Block 2: 2,500 square feet, max.
- Lots 2-40, Block 3: 2,500 square feet, max.
- Lots 2-10, Block 4: 2-10 2,500 square feet, max.
- Lots 2-8, Block 5: 2,500 square feet, max.
- Lots 9-37, Block 5: 3,500 square feet, max.
- Lots 2-9, Block 6: 2,500 square feet, max.
- Lots 11-18, Block 6: 2,500 square feet, max.
- Lots 2-10, Block 7: 3,500 square feet, max.
- Lots 2-11, Block 8: 2,500 square feet, max.
- Lots 12-25, Block 8: 3,500 square feet, max.

The Owner should be required to include a provision within the CC&Rs specifying the maximum allowable irrigatable area for each lot, including an irrigation schedule and irrigation run time allowances that reflect the pressurized irrigation report. The applicant should also be required to include a table on the face of the final plat that includes the lot specific maximum irrigatable area.

- The subject property should be permitted to utilize City of Eagle water for the purposes of irrigation for all irrigatable common areas and buildable residential lots until such a time that reclaimed water become available to the perimeter of the property. At that time, the applicant should be required to convert all irrigation water systems to utilize reclaimed water. The Owner should be required to submit a letter from AWRC at the time of the submittal of the first final application that states the availability or anticipated timing of availability of reclaimed water to the property.
- If the City of Eagle potable water system is approved as a means of providing irrigation water, backflow preventers should be required to be installed to inhibit possibly contaminated irrigation water from re-entering the potable water system. There should be a limited number of backflow preventers (not one backflow preventer per lot) and they should be required to be inspected by an authorized third-party inspector (managed and paid for by the HOA) on an annual basis and a report submitted to the City of Eagle Water Department substantiating compliance.
- On March 25, 2025, Eagle City Council adopted a water rate structure for the two (2) existing foothills developments (Valnova (fka Spring Valley) and Avimor developments) [Resolution 25-04]. The resolution amended the fee and deposit schedules for the City Water Department to establish new fees charged for services. The applicant has requested that the City adopt the same water rate structure (\$39.45 Base Monthly Fee per EDU; \$8.34 Replacement Reserve Fee per EDU). for the Sagehill Development. Pursuant to the timing established by the City Council, staff will assist in preparing a subsequent public hearing and resolution to bring back to City Council for authorization.

Example 3

- The applicant should be required to add a plat note to both the preliminary plat and final plat which states, “Direct lot access from East Aerie Way is prohibited unless approved by the Ada County Highway District and the City of Eagle.”
- Sheet 2.0 of 18 “Roadway Cross Sections” of the submitted preliminary plat, does not include a private street section for the private cul-de-sac streets. The applicant should be required to submit a revised preliminary plat that includes a private street section showing the sidewalk(s) located within the common lot and not within the buildable lots. The revised preliminary plat should be submitted prior to the submittal of a final plat application.
- The preliminary plat, date stamped by the City on August 8, 2025, delineates the intended ownership (public vs. private) of each proposed street within the Sagehill Subdivision, however, the preliminary plat does not show that the proposed streets are to be located within common lots. Eagle City Code requires that private streets be placed within a common lot and that ownership and maintenance of those common lots be a commitment of the HOA. The applicant should be required to submit a revised preliminary plat and a final plat showing each private street located within its own common lot at the time of the submittal of the final plat associated with each phase of the development.
- The applicant should include an additional note on the face of the plat that states, “Each owner within the subdivision that is to be served by the private streets is conveyed the perpetual right of ingress and egress over the described private streets, that such perpetual easement shall run with the land, and that the restrictive covenant for maintenance of the private street cannot be modified and the homeowners’/property owners’ association or other entity cannot be dissolved without the express consent of the City.” The note should be included on the revised preliminary plat prior to the submittal of the first final plat application and on each final plat at the time of the submittal of a final plat application.
- The applicant should include an additional note on the face of the plat that states, “Lots __, Blocks __ are private streets which shall have a blanket public utility, drainage, and irrigation easement. The residential lots located adjacent to Lots __, Blocks __ shall have a) non-exclusive perpetual right of ingress and egress easement over said lot, b) the easement shall run with the land, c) the homeowners association shall be responsible for the operation and maintenance of the private street, and d) the restrictive covenant for operation and maintenance of the private street cannot be dissolved or modified without the express consent of the City of Eagle.” The note should be included on the revised preliminary plat prior to the submittal of the first final plat application and on each final plat at the time of the submittal of a final plat application.
- The preliminary plat delineates the intended ownership (public vs. private) of each proposed street within the Sagehill Subdivision. The report provided by ACHD, dated August 7, 2025, states that the necessary information has not yet been provided to ACHD regarding the feasibility of constructing public roadways within the site and that the topography, along with the potential for collapsible soils and landslides that may impact the future roadways are unknown for this development at this time. Until that information can be provided, ACHD is not able to commit to the allowance of any streets to be dedicated as public right of way and may require that some or all of the proposed streets be private streets. Eagle City Code Sections 9-3-2-5(C) (and 11B-11C-2-5) prohibit the connection of one public street to another public street by means of a private street. As proposed, the preliminary plat provides public streets for all streets that provide access to an adjacent parcel or to another street. The only streets currently proposed to be private streets are the ten (10) cul-de-sac streets that provide no connectivity to adjacent parcels or streets. The only streets that should be permitted to be private are the following cul-de-sac streets:

Example 3

- North Prairie Ridge Place
- North Brush Basin Place
- North Basin View Place (west)
- North Basin View Place (east)
- West Granite Flats Court
- North Woodstar Place
- North Laurus Ridge Place
- East Currant Hills Court
- East Hillstar Court
- East Canyon View Court

If the Owner desires, or ACHD requires, that additional streets be private streets, the applicant should be required to submit a revised preliminary development plan and preliminary plat to the City of Eagle for approval.

- As proposed, the private streets provide access to 95 out of the proposed 200 residential lots within the development (47.5%). Eagle City Code Section 9-3-2-5(A)(9) specifies that, "Private streets and private alleys are only permitted within a planned unit development and are limited to providing access to no more than ten percent (10%) of the lots, except that private streets and private alleys may serve all single family attached dwelling lots. Unless otherwise approved by the Council, the applicant should submit a revised preliminary plat wherein the private streets provide access to no more than 20 (10%) residential lots. The revised preliminary plat should be submitted prior to the submittal of the first final plat associated with the development.

Example 3

- Through the conditional use permit, the applicant may request setbacks that differ from the setbacks required in Eagle City Code Section 8-2-4. The applicant is seeking a zoning designation of R-1-DA-P for the development but is requesting that the setbacks be permitted to differ from the standard setbacks of the R-1 zone based on the lot size within the development.

For reference, the lot regulations and development standards of the R-1 zoning are as follows:

Minimum Lot Size:

- 37,000-square feet

Minimum Setbacks:

- Front - Front Load Garage: 30-feet
- Front - Side Load Garage: 25-feet
- Front - Living: 25-feet
- Interior Side: 15-feet
- Street Side: 30-feet
- Rear: 30-feet

Maximum Height:

- 35-feet

Maximum Lot Coverage:

- 35%

Minimum Lot Width:

- 100-feet

If approved, the setbacks and lot regulations should be as follows:

Lots 37,000 Square Feet and Larger:

Minimum Lot Size:

- 37,000-square feet

Minimum Setbacks:

- Front - Front Load Garage: 30-feet
- Front - Side Load Garage: 25-feet
- Front - Front Living: 25-feet
- Interior Side: **10-feet (+5 feet per additional story)**
- Street Side: **20-feet**
- Rear: **20-feet**

Maximum Height:

- 35-feet

Maximum Lot Coverage:

- 35%

Minimum Lot Width:

- 100-feet

Example 3

Lots 36,999 Square Feet and Smaller:

Minimum Lot Size:

- 15,000-square feet

Minimum Setbacks:

- Front - Front Load Garage: 30-feet
- Front - Side Load Garage: 25-feet
- Front - Living: **20-feet**
- Interior Side: **10-feet (+5-feet per additional story)**
- Street Side: **20-feet**
- Rear: **20-feet**

Maximum Height:

- 35-feet

Maximum Lot Coverage:

- 40%

Minimum Lot Width:

- 75-feet

All lots should be required to adhere to the minimum setbacks established above, unless the approved Wildfire Safety Plan requires setbacks that would be more stringent, in which case the setbacks required by the Wildfire Safety Plan would take precedence.

- The applicant is requesting a R-1-DA-P (Residential with a development agreement - PUD) zoning designation. Pursuant to Eagle City Code Section 8-2-4, the minimum residential lot size within the R-1 zone is 37,000 square feet. The applicant is proposing a minimum lot size of 15,335 square feet. Pursuant to Eagle City Code Section 8-6-5-5(A), "a decrease in the minimum lot size may be allowed if there is an "offsetting increase" of the same square footage in open space and a favorable finding is made by the council that the smaller lots are appropriately integrated into the overall design and that the building product type is compatible with the PUD and surrounding area."

Additionally, Eagle City Code Section 8-6-5-5(A) states that the initial starting point for minimum open space, prior to any "offsetting increase" being added, shall be the area that is equal to ten percent (10%) of the site. 10% of the proposed site is 73.60-acres.

Based on the number of lots below the minimum lot size required in the R-1 zone (57 residential lots), 20.85-acres of offsetting increase in open space is required. The initial starting point required for open space (73.60 acres) with the addition of the required offsetting increase (20.85-acres) results in a sum of 94.45-acres, or 12.83% of the site. The applicant has proposed 478.13-acres of open space, or 64.96% of the site. Eagle City Code Section 8-6-5-5(A)(1) states that "The total common area open space shall be equal to or greater than twenty percent (20%), inclusive of the 'offsetting increase' square footage."

Pursuant to Eagle City Code Section 8-6-5-5(A), a favorable finding must be made by the council that the smaller lots are appropriately integrated into the overall design and that the building product type is compatible with the PUD and surrounding area.

- All development within the Sagehill Subdivision should be required to comply with the Wildfire Safety Plan, dated June 2025 (Exhibit F).

Example 3

- The applicant has submitted a development-specific Wildfire Safety Plan, date stamped by the City on June 13, 2025, which was prepared by a certified wildland fire specialist. The plan has been reviewed and approved by Eagle Fire District. In order to ensure compliance with the Wildfire Safety Plan, the applicant should be required to develop a wildland-urban interface checklist to be utilized by all builders (commercial [required improvement of the subdivision] and residential development) and submitted to the City at the time of the submittal of each building permit associated with the subject property.
- All grading within the Sagehill Subdivision should be required to comply with the Grading Guidelines and Hillside Development, dated July 17, 2025 (Exhibit G).
- All buildable lots are anticipated to be graded to a “finish grade condition” through the mass grading process. The City anticipates no additional individual lot grading (beyond 8-feet of elevation change that the drainage patterns are not altered from what was approved in the mass grading permit). All lots that are left in a “native” hillside condition or are proposed to be re-graded beyond the 8-feet in elevation change from the mass graded condition should require the submittal of an individual lot grading and drainage application for approval by the City at the time of the submittal of the corresponding building permit application submittal. All residential lots that require an additional grading and drainage application should be noted on the final plat with a plat note that states, “Lot X, Block X are hereby notified that any modification(s) to the slopes will be required to be permitted under the City of Eagle Hillside Ordinance. The owners of these lots shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means, and other protective devices, plantings, and groundcover installed or completed. See slope stabilization and re-vegetation plan within the Sagehill CC&Rs.”
- Eagle City Code Section 9-2-3(E)(1) states, “The preliminary plat shall be null and void if a final plat application is not received by the city and deemed complete by the Zoning Administrator within two years from the approval date of the city council findings of fact and conclusions of law for the preliminary plat.” The applicant is requesting that the preliminary plat remain active for six (6) years until it is deemed expired if no final plat application is submitted. The proposed timeline may create a preliminary plat approval by the City that does not meet future standards at the time that development. If approved by the City Council, the preliminary plat should remain active and should not expire for six (6) years from the approval date of the city council findings of fact and conclusions of law for the preliminary plat.
- Eagle City Code Section 9-2-4(E) states, in part, “The final plat shall be filed with the county recorder within one year after the date of written approval by the city council. Otherwise, such approval shall become null and void unless the subdivider, prior to said expiration date, applies for an extension of time and such extension is granted by the city council.” The applicant is requesting that each final plat remain active for two (2) years until it is deemed expired. If approved by the City Council, the final plats should remain active and should not expire for two (2) years from the date of written approval by the city council.
- Given the applicant’s request to extend the initial preliminary plat approval time frame from two (2) years to six (6) years, the termination date within the development agreement should contemplate an adjusted time frame to extend the to the termination date of the development agreement associated with the property to align with the anticipated timing of development commencing. If City Council approves the requested six (6) year preliminary plat date prior to the plat expiring or requiring an extension of time, the termination clause within the development agreement should be, “If the Property has not commenced development as conditioned herein, this agreement shall terminate 8-years after the Effective Date.”

Example 3

- The Phasing Plan (**Exhibit E**) represents the Owner's current anticipated phasing plan for the project. As development begins, the City understands and agrees that certain changes in the phasing plan may occur as final plats are submitted to the City for approval. Phasing plans should be required to be submitted with each final plat application that is submitted to the City.
- East Aerie Lane is designated as a minor arterial on the ACHD Master Street Map. Eagle City Code 8-2A-7(J)(4)(b) states and any road designated as a minor arterial on the master street map should have a, "A minimum of fifty feet (50') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: five (5) shade trees, eight (8) evergreen trees, three (3) flowering/ornamental trees, and twenty four (24) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted." The applicant has requested that the required landscape buffer width be reduced from 50-feet to 30-feet, to be consistent with the approvals granted to Avimor Development, which abuts the subject property at both terminus points of the proposed Aerie Lane. Additionally, the applicant is requesting that the required landscape improvements within the 30-foot (30'W) wide buffer area be pursuant to the requirements of Eagle City Code 11B-3-7(1)(e). Unless otherwise approved by the City Council, the landscape buffer width, where residential lots abut East Aerie Lane, should be required to be increased from 30-feet to 50-feet in width.
- For consistency with the adjacent Avimor Development, future design review applications for the Sagehill Development should be designed and reviewed for compliance with the following sections of the Eagle City Code:

Avimor Development Code:

- 11B-3-6(A): General Objectives and Considerations
- 11B-3-6-7(B)(7): Exterior Wall and Soffit
- 11B-3-6-7(B)(8): Roofs
- 11B-3-6-7(B)(9): Colors
- 11B-3-6-7(B)(10)(c): Fences, Decorative Wall, Screening Elements
- 11B-3-7: Landscape and Buffer Requirements
- 11B-3-9: Lighting

The applicant should specify within a written narrative submitted with each design review application that is submitted for this development stating how these sections of code were complied with, when applicable.

- Similar to the item above, the Owner has also requested that they be approved to utilize the same surety process, including the provision to submit surety bonds in addition to the typically required cash surety or letter of credit, that Eagle City Code Title 9 permits. With City Council approval, the applicant should be permitted to submit sureties consistent with Eagle City Code Title 11B-11D-15.
- Eagle City Code Section 9-3-2-1(G)(2) allows for cul-de-sac street lengths in zoning districts with density that is less than one dwelling unit per two acres to be a maximum of 1,500-feet in length, with approval by the City and the Eagle Fire District. The preliminary plat, as proposed, includes two (2) private cul-de-sac streets (of the 10 total proposed) that exceed the maximum allowable cul-de-sac street length of 1,500-feet. The applicant has requested a waiver of this code requirement so that the development can be consistent with the allowable cul-de-sac street length within the adjacent Avimor development, which permits cul-de-sac streets to a maximum of 3,000-feet in length, so long as the cul-de-sac streets have bulb out that allow for

Example 3

emergency vehicle turnarounds every 750-feet, pursuant to Eagle City Code 11B-11C-2. Unless approved by the Eagle City Council, the applicant should be required to submit a revised preliminary plat with cul-de-sac streets less than 750-feet in length or, if approved to be a maximum of 3,000-feet in length, to contain bulb-outs every 750-feet on center to allow for emergency vehicle turnaround. The applicant should be required to submit a revised preliminary plat containing the approved cul-de-sac street design prior to the submittal of a design review application.

- The submitted preliminary plat and phasing exhibit show a variety of community amenities within common lots. Owner should be required to construct the following amenities with the associated subdivision phase:
 - Lot 38, Block 5 - Gazebo (Phase 1)
 - Lot 1, Block 8 – Gazebo (Phase 2)
 - Lot 1, Block 5 - Pond, three (3) pickleball courts, picnic shelter, & playground (Phase 2)
 - Lot 24, Block 2 – Dog Area

PUBLIC HEARING OF THE COMMISSION:

- A. A public hearing on the application was held before the Planning and Zoning Commission on October 20, 2025, at which time testimony was taken and the public hearing was closed. The Commission made their recommendation at that time.
- B. Oral testimony in opposition to the application was presented to the Planning and Zoning Commission by no one.
- C. Oral testimony in favor of the application was presented to the Planning and Zoning Commission by one (1) individual who indicated the following:
 - As Avimor planned and developed the central water system that services portions of the Avimor development, the developer of the Sagehill Subdivision property was consistently assistive in establishing the terms of the water agreement and in allowing Avimor to build required water improvements through the necessary easements across the Sagehill property.
 - It would be favorable to allow the developer of the Sagehill Subdivision to utilize portions of the City code that is used by the Avimor Development (Title 11B) so that the visual aesthetic, firewise standards, and irrigation regulations of the subject property will be consistent with Avimor since Avimor will develop property on three sides of the Sagehill property.

COMMISSION DELIBERATION:

Upon closing the public hearing, the Commission made a motion based upon the information provided by staff and the testimony provided. A summary of the deliberation can be found at the following link (Granicus time: 00:56:45): https://eagle-id.granicus.com/player/clip/2150?meta_id=113708

COMMISSION DECISION REGARDING THE ANNEXATION AND REZONE WITH A DEVELOPMENT AGREEMENT:

The Commission voted 3 to 0 (Smith absent; McCauley recused) to recommend approval of A-2025-04/RZDA-2025-05 for a rezone from RR (Rural Residential – Ada County Designation) and RP (Rural Preservation – Ada County Designation) to R-1-DA-P (Residential with a development agreement-PUD) for Sage Investment Partners with conditions of development to be placed within a Development Agreement, as provided within their findings of fact and conclusions of law document, dated November 3, 2025.

Example 3

COMMISSION DECISION REGARDING THE CONDITIONAL USE PERMIT, PRELIMINARY DEVELOPMENT PLAN AND PRELIMINARY PLAT:

The Commission voted 3 to 0 (Smith absent; McCauley recused) to recommend approval of CUP-2025-03/PPUD-2025-03/PP-2025-04 for a conditional use permit, preliminary development plan, and preliminary plat for Sagehill Subdivision with the site specific conditions of approval and standard conditions of approval provided within their findings of fact and conclusions of law document, dated November 3, 2025.

PUBLIC HEARING OF THE COUNCIL:

- A. A public hearing on the application was held before the City Council on November 25, 2025, at which time testimony was taken and the public hearing was closed. The Council made their decision at that time.
- B. Oral testimony in opposition to the application was presented to the Planning and Zoning Commission by no one.
- C. Oral testimony in favor of the application was presented to the City Council by four (4) individuals who indicated the following:
 - The property owners and development team have been very transparent and assistive throughout their application process.
 - The design of the subdivision is thoughtful and the property owners have been mindful of designing the property in consideration of the adjacent property owners, including future street access, utilities, and residential lot layout.

COUNCIL DECISION REGARDING THE ANNEXATION AND REZONE WITH DEVELOPMENT AGREEMENT:

The Council voted 4 to 0 to approve A-2025-04/RZDA-2025-05 for a rezone from RR (Rural Residential – Ada County Designation) and RP (Rural Preservation – Ada County Designation) to R-1-DA-P (Residential with a development agreement-PUD) for Sage Investment Partners with the following Planning and Zoning Commission’s recommended conditions of development to be placed within a Development Agreement:

- 3.1 The maximum density for the Property shall be 0.27 dwelling units per acre (200 single-family attached dwellings).
- 3.2 Owner will develop the Property subject to the conditions and limitations set forth in this Development Agreement. Further, Owner will submit such applications regarding floodplain development permit review, design review, preliminary and final plat reviews, and/or any conditional use permits, if applicable, and any other applicable applications as may be required by the Eagle City Code, which shall comply with the Eagle City Code, as it exists at the time such applications are made except as otherwise provided within this Agreement.
- 3.3 The Concept Plan (**Exhibit C**) represents the Owner’s current concept for completion of the project. As the Concept Plan evolves, the City understands and agrees that certain changes in that concept may occur. If the City determines that any such changes require additional public comment due to potential impacts on surrounding property or the community, a public hearing shall be held on any proposed changes in the Concept Plan, notice shall be provided as may be required by the City.

Example 3

- 3.4 The conditions, covenants and restrictions (CC&Rs) for the Property shall contain at least the following:
- (a) An allocation of responsibility for repair and maintenance of all community and privately owned landscaping, pressurized irrigation facilities, and amenities. The owner shall provide an operation and maintenance manual including the funding mechanism as an addendum to the CC&Rs and the repair and maintenance requirement shall run with the land and that the requirement cannot be modified and that the homeowner's association or other entity cannot be dissolved without the express consent of the city.
 - (b) An allocation of responsibility for repair and maintenance of the pressurized irrigation system and all common landscape areas within the subdivision in a competent and attractive manner, including watering, mowing, pruning, fertilizing, and caring for grass, shrubs, and trees in perpetuity.
 - (c) A maintenance manual for the private streets, requiring the association to have the duty to maintain and operate the private including the repair and replacement of asphalt and sidewalks, provisions for snow removal from the road, and the planting and maintenance of the landscape planter islands within the cul-de-sac streets, in perpetuity.
 - (d) A requirement for all fencing located adjacent to open space and corner lots to be open-style such as wrought iron, extruded aluminum, wrought iron, or three-rail-type decorative fencing. Fencing shall be wildlife friendly (made of highly visible material (e.g. wood or metal), fence bottoms shall be in contact with the ground, and top rails shall be free of extruding objects). All other fencing (i.e. cedar fencing, vinyl, chainlink) shall be prohibited.
 - (e) A requirement that riparian vegetation and wildlife habitat, if any, along the stream bank and within the required 25-foot-wide setback or riparian zone be maintained.
 - (f) A provision for the establishment and funding of a Conservation and Education Program (CEP) Funding Plan associated with Sagehill Subdivision. The CEP Funding Plan shall be executed by the Owner and City prior to the City Clerk signing the final first plat.
 - (g) A provision that establishes the maximum allowable square footage of irrigatable area per lot and a schedule that specifies the availability of water and the permissible irrigation schedule (including number of days allowed and length of irrigation run time) for each lot with irrigation water.
 - (h) A maintenance and repair manual for individual lot slope stabilization and revegetation plans that reflect the requirements of the approved Hillside and Grading Standards, that specify maintenance responsibilities and provide a schedule for said maintenance.
 - (i) A requirement that in the event any of the CC&Rs are less restrictive than any government rules, regulations or ordinances, then the more restrictive government rule, regulation or ordinances shall apply. The CC&Rs are subject to all rules, regulations, laws and ordinances of all applicable government bodies. In the event a governmental rule, regulation, law or ordinance would render a part of the CC&Rs unlawful, then in such event that portion shall be deemed to be amended to comply with the applicable rule, regulation, law, or ordinance.
- 3.5 Owner shall provide a report or analysis of any proposed changes to wetlands located on the Property and any such change shall be contingent upon approval by the Army Corps of Engineers, Idaho Fish & Game (if applicable), the Idaho Department of Water Resources (if applicable), and any other appropriate government agencies, and shall be in accordance with the Eagle Comprehensive Plan and City Code. Owner agrees all development and improvement of the Property shall comply with rules and regulations pertaining to regulated wetlands prior to submittal of the final development plan/final plat application.

Example 3

- 3.6 Owner shall provide proof of central sewer service to the proposed residential lots prior to the City Clerk signing the final plat.
- 3.7 A letter of approval shall be provided to the City from the Avimor Water Reclamation Company indicating that the property has been annexed into the Avimor Water Reclamation Company's service boundaries prior to the submittal of a final plat application. Owner shall comply with all applicable regulations and conditions of the Avimor Water Reclamation Company prior to the City Clerk signing the final plat.
- 3.8 Owner shall develop the subject property pursuant to the terms established within the Sage Water Service Agreement, (Agreement for Service by and between Avimor Development, LLC, Sage Investment Partners, LLC, and City of Eagle), recorded April 13, 2022 [Ada County instrument number: 2022-036228].
- 3.9 Owner shall submit a Master Water Plan to the City for review and approval prior to submittal to IDEQ for approval. Owner shall be required to submit the Master Water Plan to the City for review and approval with the first final plat application associated with the subject property.
- 3.10 Owner shall submit a letter from the Avimor Water Reclamation Company that states the current availability or anticipated timing of availability of reclaimed water to the property for the purpose of providing reclaimed irrigation water to the property at the time of the submittal of the first final plat application.
- 3.11 If reclaimed water for the purpose of providing irrigation water to the property is not available at the time that development commences, Owner shall install a dual-system that allows for the immediate use of potable water for irrigation purposes but allows for the future conversion to reclaimed water. Owner shall install a minimum of one (1) water meter and one (1) City backflow preventer within each pressure zone, as approved by the City. Individual backflow preventers per buildable lot shall not be permitted.
- 3.12 Owner shall be required to connect to the reclaimed water system and utilize reclaimed water for irrigation purposes when it becomes available to the property. At that time, the Owner shall be required to abandon the potable water irrigation system.
- 3.13 Owner shall have all backflow preventers inspected by an authorized third-party inspector (managed and paid for by the HOA) on an annual basis, at a minimum. The inspection reports produced by the inspector shall be submitted to the City of Eagle Water Department on an annual basis to substantiate compliance.

Example 3

- 3.14 Owner shall include a note or table on each final plat that includes the maximum square footage of irrigatable area to be irrigated by potable water for each residential lot as follows:
- Lots 2-16, Block 1: 2,500 square feet, max.
 - Lots 18-20, Block 1: 2,500 square feet, max.
 - Lots 2-22, Block 2: 2,500 square feet, max.
 - Lots 25-52, Block 2: 2,500 square feet, max.
 - Lots 2-40, Block 3: 2,500 square feet, max.
 - Lots 2-10, Block 4: 2,500 square feet, max.
 - Lots 2-8, Block 5: 2,500 square feet, max.
 - Lots 9-37, Block 5: 3,500 square feet, max.
 - Lots 2-9, Block 6: 2,500 square feet, max.
 - Lots 11-18, Block 6: 2,500 square feet, max.
 - Lots 2-10, Block 7: 3,500 square feet, max.
 - Lots 2-11, Block 8: 2,500 square feet, max.
 - Lots 12-25, Block 8: 3,500 square feet, max.
- 3.15 If the Eagle City Council approves this application, the Sagehill property shall be allocated 250 Equivalent Dwelling Units (EDUs) of water (200 EDUs for domestic water and lot irrigation and 50 EDUs for development-specific (common area) irrigation purposes), to be utilized within the subject property. 250 EDUs shall be reserved for the Sagehill development.
- 3.16 The water usage rates and fees shall be established through a separate public hearing before the Eagle City Council and adopted by Resolution prior to the beginning of development of the property.
- 3.17 The only streets permitted to be private are the following cul-de-sac streets:
- North Prairie Ridge Place
 - North Brush Basin Place
 - North Basin View Place (west)
 - North Basin View Place (east)
 - West Granite Flats Court
 - North Woodstar Place
 - North Laurus Ridge Place
 - East Currant Hills Court
 - East Hillstar Court
 - East Canyon View Court
- If the Owner desires, or ACHD requires that additional streets be developed as private streets, the applicant shall submit a revised preliminary development plan and preliminary plat application to the City of Eagle for approval.
- 3.18 The single-family dwellings shall be constructed in substantial conformance to the styles of architecture as shown in **Exhibit "D"**.
- 3.19 To assure compliance with condition 3.18 herein, the applicant shall create an architectural control committee (ACC) as a component of the development's CC&Rs. Provisions regarding the creation and operating procedures of the ACC shall be included in the CC&Rs and shall be reviewed and approved by the City attorney prior to the approval of the first final plat.

Example 3

- 3.20 Each building permit application submitted to the City for any structure within the development shall be accompanied by a written approval letter from the Architectural Control Committee. Applications submitted without the required letter of approval shall be deemed incomplete and will not be accepted for processing.
- 3.21 To assure compliance with the conditions of approval herein, the City reserves the right to deny, at its discretion, any building permit application that does not substantially conform to the design requirements as shown on the **Exhibit “D”**. If a building permit is denied, the applicant shall have the right to appeal the decision to the Eagle City Council in accordance with Eagle City Code Section 8-7-4-1.
- 3.22 The Phasing Plan (**Exhibit E**) represents the Owner’s current anticipated plan for developing the property. As development begins, the City understands and agrees that certain changes in the phasing plan may occur as final plats are submitted to the City for approval. Phasing plans shall be required to be submitted with each final plat application that is submitted to the City.
- 3.23 All development within the Sagehill Subdivision shall comply with the requirements of the approved Wildfire Safety Plan (**Exhibit F**).
- 3.24 To ensure compliance with the Wildfire Safety Plan (**Exhibit F**), the applicant shall develop a Wildland-Urban Interface checklist to be utilized by all builders (commercial [required improvements of the subdivision] and residential development) and submitted to the City at the time of the submittal of each building permit associated with the subject property.
- 3.25 All earthwork and site grading within the Sagehill Subdivision shall comply with the approved Grading Guidelines and Hillside Development, dated July 17, 2025 (**Exhibit G**).
- 3.26 Vegetation management and slope stabilization practices for the Sagehill Subdivision shall comply with the Sagehill Vegetation Management Plan, dated July 24, 2025 (**Exhibit H**).
- 3.27 Future design review applications for the Sagehill Development shall be designed and reviewed for compliance with the following sections of the Eagle City Code, where applicable:

Eagle City Code – Title 11B: Avimor Development Code:

- 11B-3-6(A): General Objectives and Considerations
- 11B-3-6-7(B)(7): Exterior Wall and Soffit
- 11B-3-6-7(B)(8): Roofs
- 11B-3-6-7(B)(9): Colors
- 11B-3-6-7(B)(10)(c): Fences, Decorative Wall, Screening Elements
- 11B-3-7: Landscape and Buffer Requirements
- 11B-3-9: Lighting

Unless specified above, all other design review items will be reviewed for compliance with Eagle City Code Title 8. The applicant shall specify within a written narrative submitted with each design review application that is submitted for this development stating how these sections of code were complied with, when applicable.

Example 3

- 3.28 Future development applications for the Sagehill Development shall be reviewed for compliance with the following sections of the Eagle City Code, where applicable:

Eagle City Code – Title 11B: Avimor Development Code:

- 11B-11D-1: Improvements Required
- 11B-11D-2: Monuments
- 11B-11D-3: Streets and Alleys
- 11B-11D-4: Curb and Gutter
- 11B-11D-5: Street Signs
- 11B-11D-6: Streetlights
- 11B-11D-7: Pathway and Trail Regulations
- 11B-11D-8: Underground Utilities
- 11B-11D-9: Water Supply and Sewer Systems
- 11B-11D-10: Storm Drainage, Flood Controls
- 11B-11D-12: Landscape Buffer Areas
- 11B-11D-13: Construction of Improvements
- 11B-11D-14: Construction Plans
- 11B-11D-15: Guarantee of Improvements

Unless specified above, all other development specific items will be reviewed for compliance with Eagle City Code Title 9. The applicant shall specify within a written narrative submitted with each design review application that is submitted for this development stating how these sections of code were complied with, when applicable.

- 3.29 Owner shall construct the following subdivision amenities (or submit a financial surety) with each associated phase of development:
- Lot 38, Block 5 - Gazebo (Phase 1)
 - Lot 1, Block 8 – Gazebo (Phase 2)
 - Lot 1, Block 5 – Intermittent Pond, three (3) pickleball courts, picnic shelter, & playground (Phase 2)
 - Lot 24, Block 2 – Dog Run Area (Phase 4)
- 3.30 Owner shall provide a detailed arborist report and an existing tree inventory map identifying all existing trees located on site. The report shall identify, at a minimum, species, size, and health of the trees. The arborist report and map shall be provided with the submittal of a design review application. Owner shall provide a narrative indicating which trees will be incorporated into the design of the subdivision and which trees will be removed prior to removal of the trees. No trees shall be removed from the site prior to city approval of a tree removal plan.
- 3.31 Owner shall submit a design review application showing at a minimum: 1) proposed development signage, 2) planting details within the proposed and required landscape islands and all common areas throughout the development, 3) elevation plans for all proposed common area structures and irrigation pump house (if proposed), 4) landscape screening details of the irrigation pump house (if proposed), 5) useable amenities such as picnic tables, covered shelters, benches, gazebos, and/or similar amenities, 6) all proposed fencing throughout the development, and 7) street lights. The design review application shall be reviewed and approved by the Eagle Design Review Board and Eagle City Council prior to the submittal of a final plat application.

Example 3

- 3.32 Owner shall provide and construct all pathways and associated easements as identified in the Parks, Pathways, and Recreation Commission Action Letter, dated June 23, 2025 (**Exhibit “I”**). The pathways shall be constructed in accordance with City of Eagle standards. In lieu of immediate construction, the Owner may provide a surety in a form and amount determined in accordance with Eagle City Code Section 9-4-2-2, to guarantee completion of the pathway(s) prior to the City Clerk’s signature on the final plat.

The specific location and design of all pathways shall be approved by the Design Review Board and the City Council prior to the submittal of any final plat application. The instrument number(s) of the recorded easement or easements shall be referenced on the face of the final plat.

- 3.33 Owner shall work with the City to establish a Conservation and Education Program (CEP) Funding Plan associated with Sagehill Subdivision. The CEP Funding Plan shall be executed by the Owner and City prior to the City Clerk signing the final plat.
- 3.34 Owner shall place a 4’ x 8’ subdivision sign(s) containing information regarding the proposed development. The subdivision sign(s) shall be located along each roadway that is adjacent to the Property. The subdivision sign(s) shall be located on the Property outside of the public right-of-way and remain clearly visible from the roadway.

COUNCIL DECISION REGARDING THE CONDITIONAL USE PERMIT, PRELIMINARY DEVELOPMENT PLAN AND PRELIMINARY PLAT:

The Council voted 4 to 0 to approve CUP-2025-03/PPUD-2025-03/PP-2025-04 for a conditional use permit, preliminary development plan, and preliminary plat for Sagehill Subdivision with the following Planning and Zoning Commission recommended conditions with strike through text to be deleted by the Council:

SITE SPECIFIC CONDITIONS OF APPROVAL:

1. Comply with all conditions within the development agreement for rezone application RZDA-2025-05.
2. Comply with all requirements of the City Engineer.
3. The applicant shall submit payment to the City for all engineering and legal fees incurred for reviewing this project, prior to the City Clerk signing the final plat and/or upon receipt of an invoice by the City, whichever occurs first.
4. If approved by the Eagle City Council, the preliminary plat shall not expire for six (6) years from the approval date of the City Council Findings of Fact and Conclusions of Law for the preliminary plat.
5. If approved by the Eagle City Council, each final plat shall be granted a two (2) year time frame, starting from the date of written approval by the City Council to the date that the final plat is recorded with Ada County, until the plat is deemed expired.

Example 3

6. The minimum setbacks and lot regulations shall be as follows:

Lots 37,000 Square Feet and Larger:

Minimum Lot Size: 37,000-square feet

Minimum Setbacks:

Front - Front Load Garage: 30-feet

Front - Side Load Garage: 25-feet

Front - Living: 25-feet

Interior Side (Adjacent to Buildable Lot / Irrigated Open Space): 10-feet (+5-feet per additional story)

Interior Side (Adjacent to Natural Open Space): 30-feet

Street Side: 20-feet

Rear: 30-feet

Maximum Height: 35-feet

Maximum Lot Coverage: 35%

Minimum Lot Width: 100-feet

Lots 36,999 Square Feet and Smaller:

Minimum Lot Size: 15,000-square feet

Minimum Setbacks:

Front - Front Load Garage: 30-feet

Front - Side Load Garage: 25-feet

Front - Living: 20-feet

Interior Side (Adjacent to Buildable Lot / Irrigated Open Space): 10-feet (+5-feet per additional story)

Interior Side (Adjacent to Natural Open Space): 30-feet

Street Side: 20-feet

Rear: 30-feet

Maximum Height: 35-feet

Maximum Lot Coverage: 35%*

Minimum Lot Width: 75-feet

*Lots beneath 20,000-square feet in size are permitted a maximum lot coverage of up to 40%.

All lots shall adhere to the minimum setbacks established above, unless the approved Wildfire Safety Plan requires setbacks that would be more stringent, in which case the setbacks required by the Wildfire Safety Plan would take precedence.

- ~~7. Unless approved by the Eagle City Council, the landscape buffer width shall be increased from 30 feet to 50 feet in width where residential lots abut East Aerie Lane. The applicant shall be required to submit a revised preliminary plat showing the buffer width as 50 feet, where required, prior to the submittal of the first final plat associated with the development.~~
- ~~8. Unless approved by the Eagle City Council, the applicant shall submit a revised preliminary plat with cul-de-sac streets redesigned to be less than 750 feet in length.~~
9. If approved by the Eagle City Council, cul-de-sac streets shall be permissible to be up to 3,000-feet in length but shall contain bulb-outs every 750-feet on center to allow for emergency vehicle turnaround. The applicant shall submit a revised preliminary that includes bulb-outs every 750-feet on center prior to the submittal of a design review application.

Example 3

10. If the Eagle City Council approves cul-de-sac streets more than 750-feet in length, the applicant shall submit evidence of fire department approval for cul-de-sac streets that exceed 750-feet in length.
11. All buildable lots that are left in a “native” hillside condition upon the completion of the mass grading work done to the property or are proposed to be re-graded beyond 8-feet in elevation change from the mass graded condition (if an approved retaining wall specification is approved to 8-feet) shall require the submittal of an individual lot grading and drainage application for approval by the City at the time of the submittal of the corresponding building permit application submittal.
12. All residential lots that require an additional grading and drainage application shall be noted on the final plat with a plat note that states, “Lot X, Block X are hereby notified that any modification(s) to the slopes will be required to be permitted under the City of Eagle Hillside Ordinance. The owners of these lots shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means, and other protective devices, plantings, and groundcover installed or completed. See slope stabilization and re-vegetation plan within the Sagehill CC&Rs.”
13. The applicant shall add a plat note to both a revised preliminary and final plat which states, “Direct lot access from East Aerie Way is prohibited unless approved by the Ada County Highway District and the City of Eagle.”
- ~~14. Unless otherwise approved by the Council, the applicant shall submit a revised preliminary plat wherein the private streets provide access to no more than 20 (10%) residential lots. The revised preliminary plat shall be submitted prior to the submittal of the first final plat associated with the development.~~
15. The applicant shall submit a revised preliminary plat that includes a private street section showing the sidewalk(s) located within the private street common lot and not within the buildable lots. The revised preliminary plat shall be submitted prior to the submittal of a final plat application.
16. The applicant shall submit a revised preliminary plat and a final plat showing each private street located within its own common lot at the time of the submittal of the final plat associated with each phase of development.
- ~~17. Unless otherwise approved by City Council, the applicant shall submit a revised preliminary plat showing all sidewalks within the subject property to be offset from the back of curb eight feet (8') to allow for a parkway planter strip to be located between the back of curb and the sidewalk. A revised preliminary plat shall be submitted prior to the submittal of a design review application.~~
18. The applicant shall include an additional note on the face of the plat that states, “Each owner within the subdivision that is to be served by the private streets is conveyed the perpetual right of ingress and egress over the described private streets, that such perpetual easement shall run with the land, and that the restrictive covenant for maintenance of the private street cannot be modified and the homeowners’/property owners’ association or other entity cannot be dissolved without the express consent of the City.” The note shall be included on the revised preliminary plat prior to the submittal of the first final plat application and on each final plat at the time of the submittal of a final plat application.
19. The applicant shall include an additional note on the face of the plat that states, “Lots __, Blocks __ are private streets which shall have a blanket public utility, drainage, and irrigation easement. The residential lots located adjacent to Lots __, Blocks __ shall have a) non-exclusive perpetual right of ingress and egress easement over said lot, b) the easement shall run with the land, c) the homeowners association shall be responsible for the operation and maintenance of the private streets, and d) the restrictive covenant for operation and maintenance of the private streets cannot be dissolved or modified without the express consent of the City of Eagle.” The note shall be included on the revised preliminary plat prior to the submittal of the first final plat application and on each final plat at the time of the submittal of a final plat application.

Example 3

20. The developer shall provide shade-class trees (landscape plan to be reviewed and approved by the Design Review Board) along both sides of all streets within this development. Trees shall be placed at the front of each lot generally at each side property line, or as approved by the Design Review Board. The trees shall be located with an 8-foot-wide landscape strip between the 5-foot-wide concrete sidewalk and the curb. If there is no parkway strip, the trees shall be placed within the individual building lot. Any and all drainage swales and/or seepage beds shall be placed so as to not interfere with the required placement of street trees. Prior to the City Clerk signing the final plat the applicant shall either install the required trees, sod, and irrigation or provide the City with a letter of credit for 150% of the cost of the installation of all landscape and irrigation improvements. Trees shall be installed prior to obtaining any occupancy permits for the homes. A temporary occupancy may be issued if weather does not permit landscaping. Partial reduction of the surety may be permitted for any portion of the development that is completed, including street trees that have been installed. On-going surety for street trees for all undeveloped portions of the development will be required through project completion.
21. All living trees shall be preserved, unless otherwise determined by the Design Review Board and the City Council. A detailed landscape plan showing how the trees will be integrated into the open space areas or private lots (unless approved for removal by the City Council) shall be provided for City Council final approval prior to the submittal of a final plat. Construction fencing shall be installed (pursuant to the Design Review Board's direction) to protect all trees that are to be preserved, prior to the commencement of any construction on the site.
22. Any fencing located adjacent to common area open spaces and on the street side of all corner lots shall be an open fencing style such as wrought iron or other similar decorative style, durable fencing material. Specific buffer area fences and decorative walls may be allowed as otherwise required in ECC Section 8-2A-7(J).
23. The applicant shall provide a license agreement from ACHD approving the landscaping located within the public rights-of-way abutting and within this site prior to approval of a final plat. (ECC 9-4-1-2)
24. The Sagehill Subdivision shall remain under the control of one Homeowners Association. (ECC 9-3-8[D][4])
25. The applicant shall place a note on the final plat that the pressurized irrigation system and all common lots are to be owned and maintained by the Homeowner's Association.
26. The applicant shall provide CC&Rs that the Homeowner's Association shall have the duty to maintain the pressurized irrigation system and all common landscape areas in the subdivision are maintained in a competent and attractive manner, including the watering, mowing, fertilizing and caring for shrubs and trees in perpetuity. (ECC 9-4-1-9[C][1])
27. To allow for the future installation of municipal fiber-optic cable, the applicant shall be required to install municipal fiber-optic conduit lines along all streets in accordance with the City's Fiber Master Plan. The applicant shall conduct a pre-application meeting with the City of Eagle Fiber Department prior to submittal of a final plat application. Upon completion of the installation of the municipal fiber-optic conduit lines, the applicant shall provide GIS coordinates of the locations of the municipal fiber-optic conduit lines. The municipal fiber-optic conduit lines shall be installed, GIS coordinates provided, and the fiber-optic conduit lines shall be dedicated to the City prior to the City Clerk signing the final plat.
28. All plat notes that are required on the preliminary plat shall be transferred to the final plat prior to submittal of a final development plan/final plat application.

Example 3

29. The applicant shall construct ten-foot (10'W) wide detached concrete sidewalks (in addition to eight-foot (8') wide minimum parkway planter strips) on both sides of East Aerie Lane for the entirety of East Aerie Lane, as depicted in **Exhibit "I"**, that is located within the subject property.
30. The applicant shall construct five-foot (5'W) wide concrete sidewalks, with parkway planter strips (as required by Council), on both sides of North Tranquil Pass Way, as depicted in **Exhibit "I"**.
31. The applicant shall connect the ten-foot (10'W) wide pathway/trail, as depicted in **Exhibit "I"**, to connect to the sidewalk adjacent to North Tranquil Pass Way.
32. The proposed "natural gravel pathway" shall be permitted to remain as a natural surface trail with a tread surface that accommodates a variety of users, including equestrian, bicycle, and pedestrian users, and shall include a public access easement over the entirety of the trail that is located within the subject property.
33. The applicant shall designate all sidewalks, pathways, and trails as public either through right of way dedication or through the establishment of public access easements. Public access easements shall be recorded as separate easement agreements and the instrument number shall be placed, as a note, on the face of the final plat prior to the City Clerk signing the final plat.
34. The applicant shall revise the submitted "Pathways and Trails Plan" to amend the proposed sidewalk network to allow for trails to terminate at a sidewalk, as depicted in **Exhibit "I"**. The revised "Pathways and Trails Plan" shall be submitted with the submittal of the first final plat associated with the development.
35. The applicant shall provide future connectivity to adjacent parcels through the inclusion of pathways, trails, or sidewalks, as generally depicted in **Exhibit "I"**. The revised "Pathways and Trails Plan" shall be submitted with the submittal of the first final plat associated with the development.
36. The applicant shall work with the Eagle Fire District to designate special use trails that provide appropriate clearance for "side by side" or utility task vehicle access for use by the fire district. The revised "Pathways and Trails Plan" that includes these special use trails and correspondence from Eagle Fire District specifying their preferred locations, tread material and dimensional width shall be submitted with the submittal of the first final plat associated with the development.
37. All pathways shall be constructed, and a survey depicting the location of each pathway within the easement must be submitted to the City prior to the City Clerk signing the final plat for each phase. If the pathway has not been constructed at the time of final plat mylar signature, a surety may be provided in accordance with Eagle City Code Section 9-4-2-2; however, the applicant shall still survey the pathway location, record the associated easement, and provide the recorded instrument number to the City upon completion of the pathway. The surety shall not be released until the pathway has been constructed in accordance with City standards and the aforementioned documentation has been submitted to the City.
38. All development shall comply with all applicable provisions of Title 10, Flood Control, of the Eagle City Code. A floodplain development permit shall be obtained prior to the commencement of any development within the floodplain.
39. The applicant shall provide dog waste bag dispensers/waste receptacles (at locations agreed upon by City staff in writing) at the time of a design review application submittal.
40. Curb ramps shall be provided where sidewalks and pathways meet streets, alleys, or other curb cuts, or where they are permitted by ACHD.
41. The intersections of pathways, sidewalks, and trails shall have a minimum radius of eight feet (8') to eliminate sharp turns or blind corners.

Example 3

42. Public trails and pathways that are anticipated to connect to an adjacent trail or pathway in the future shall employ a cul-de-sac design at its terminus, as is described in detail in the *CITY OF EAGLE TRAIL AND PATHWAY DESIGN AND CONSTRUCTION STANDARDS*. The public access easement shall extend to the parcel boundary and allow possible connection to adjacent development and allow the City, or City authorized parties, and adjacent developers, to make alterations within the easement. Such alterations to elements include, but are not limited to, connection to other trails and pathways, landscaping, fencing, irrigation equipment, and signage.
43. If trails or pathways are to be maintained by the City, the applicant shall provide maintenance access easements 25-feet in width in favor of the City of Eagle, with a minimum four-foot (4') margin on each side of the pathway tread within any part of the easement where possible for all alignments shown as "REGIONAL" and "COMMUNITY". These easements shall not limit the developer in landscape design beyond the standards established in the trail and pathway standards and Title 9. Staging and vehicle access locations shall be determined and included in the maintenance agreement and related easements.
44. Easement provision language shall include the following: *"The City of Eagle may construct, connect, or continue within these easements, public pathways as part of future system expansion, and may authorize staff, contractors, or neighboring developers to facilitate such improvements within these easements from any boundary to another public pathway easement or easements, or to parcels included in any public access agreement."*
45. The applicant shall be permitted to obtain easements for pathway and/or trail construction that is outside of the current project footprint as long as the integrity of the existing pathway and trail network would not be compromised by any proposed additions and necessary realignments, as is determined by City staff.
46. Public access easement agreements and an associated survey (that depicts the location of each pathway or trail located within the easement) shall be submitted to the City prior to the City Clerk signing the final plat associated with the first phase of the development.
47. Pathways and trails shall be constructed and a survey that depicts the location of each pathway or trail located within the easement shall be submitted to the City, or a surety shall be provided, prior to the City Clerk signing the final plat for each phase of development.
48. The applicant and future homeowners' association shall provide maintenance of all pathways, in perpetuity.
49. Within all public access easements, the City shall reserve the right to display signage similar to what is shown in Exhibit C below.
50. Maintenance vehicle access (for City maintained trails) is to be provided. Design to be approved by the City in writing prior to the beginning of construction of that portion of the trail.
51. Hammerheads (for maintenance vehicle turnaround) shall be provided for all City maintained trails where only one access is available or where a trail terminates without access to a public roadway.
52. Material staging areas for large maintenance projects shall be designed and documented, and made available for use within 30-days of written notice provided by the City, for any pathway that will be maintained by the City.
53. Owner shall provide a "Heavy Truck Traffic Plan" to be followed by any vehicle or equipment over 25,000 GVWR. The plan shall show all designated routes and hours of operation. The heavy truck traffic routes shall maximize use of highways and major arterials while minimizing use of smaller residential streets. The plan will also cite that compression braking is prohibited everywhere in Ada County. Owner is responsible for communicating the approved plan to all sub-contractors and for monitoring compliance.

Example 3

NOTE: In the event a Standard Condition of Approval conflicts with a Site Specific Condition of Approval contained herein the Site Specific Condition of Approval shall control.

STANDARD CONDITIONS OF APPROVAL:

1. The applicant shall comply with all requirements of the Ada County Highway District and/or the Idaho Transportation Department, including but not limited to approval of the drainage system, curbs, gutters, streets and sidewalks.
2. Correct street names, as approved by the Ada County Street Name Committee, shall be placed on the plat prior to the City Engineer signing the final plat.
3. Complete water and sewer system construction plans shall be reviewed and approved by the City Engineer. Required improvements shall include, but not be limited to, extending all utilities to the platted property. The developer may submit a letter in lieu of plans explaining why plans may not be necessary.
4. Idaho Department of Health & Welfare approval of the sewer and water facilities is required prior to the City Engineer signing the final plat (I.C. Title 50, Chapter 13 and I.C. 39-118).
5. Written approval of all well water for any shared or commercial well shall be obtained from the Idaho Department of Water Resources prior to the City Engineer signing the final plat.
6. Unless septic tanks are permitted, wet line sewers will be required and the applicant will be required to furnish the City Engineer with a letter from the sewer entity serving the property, accepting the project for service, prior to the City Engineer signing the final plat.
7. All homes being constructed with individual septic systems shall have the septic systems placed on the street side of the home or shall have their sewer drainage system designed with a stub at the house front to allow for future connection to a public sewer system.
8. Per Idaho Code, Section 31-3805, concerning irrigation rights, transfer and disclosure, the water rights appurtenant to the lands in said subdivision which are within the irrigation entity will be transferred from said lands by the owner thereof; or the subdivider shall provide for underground title or other like satisfactory underground conduit to permit the delivery of water to those landowners within the subdivision who are also within the irrigation entity.

See Eagle City Code Section 9-4-1-9(C) which provides overriding and additional specific criteria for pressurized irrigation facilities.

Plans showing the delivery system must be approved by a registered professional engineer and shall be approved by the City Engineer prior to the City Engineer signing the final plat.

9. The applicant shall submit a letter from the appropriate drainage entity approving the drainage system and/or accepting said drainage; or submit a letter from a registered professional engineer certifying that all drainage shall be retained on-site prior to the City Engineer signing the final plat. A copy of the construction drawing(s) shall be submitted with the letter.
10. Drainage system plans shall be submitted to the City Engineer for review and approval prior to the City Engineer signing the final plat. The plans shall show how swales, or drain piping, will be developed in the drainage easements. The approved drainage system shall be constructed, or a surety shall be submitted to the City Clerk, prior to the City Engineer signing the final plat. The CC&R's shall contain clauses to be reviewed and approved by the City Engineer and City Attorney, prior to the City Engineer signing the final plat, requiring that lots be so graded that all runoff runs either over the curb, or to the drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.

Example 3

11. No ditch, pipe or other structure, or canal, or drain, for irrigation water or irrigation waste water owned by an organized irrigation district, canal company, ditch association, drainage district, drainage entity, or other irrigation entity, shall be obstructed, routed, covered or changed in any way unless such obstruction, rerouting, covering or changing has first been approved in writing by the entity. A Registered Engineer shall certify that any ditch rerouting, piping, covering or otherwise changing the existing irrigation or waste ditch (1) has been made in such a manner that the flow of water will not be impeded or increased beyond carrying capacity of the downstream ditch; (2) will not otherwise injure any person or persons using or interested in such ditch or their property; and (3) satisfied the Idaho Standards for Public Works Construction. A copy of such written approval and certification shall be filed with the construction drawing and submitted to the City Engineer prior to the City Engineer signing the final plat.
12. Encroachments including, but not limited to, landscaping, fencing, lighting, and/or pathways shall not be located within any easement or right-of-way for any ditch, pipe or other structure, or canal, or drain, used for irrigation water or irrigation waste water without the express written approval of the organized irrigation district, canal company, ditch association, drainage district, drainage entity or other irrigation entity associated with such ditch, pipe or other structure, drainage or canal. The applicant shall submit a copy of the written approval from the irrigation entity, drainage district, or drainage entity prior to the City Clerk signing the final plat.
11. Street light plans shall be submitted and approved as to the location, height and wattage to the City Engineer prior to the City Engineer signing the final plat. All construction shall comply with the City's specifications and standards.

The applicant shall delineate on the face of the final plat an easement, acceptable to the City Engineer, for the purpose of installing and maintaining street light fixtures, conduit and wiring lying outside any dedicated public right-of-way, prior to the City Engineer signing the final plat. Whether located inside or outside of the public right-of-way the perpetual maintenance of the street lights shall be the responsibility of the applicant, subdivider, business owner, homeowner, or homeowner's/business owner's association, whichever the case may be.

The applicant shall pay applicable street light inspection fees on the proposed subdivision prior to signing of the final plat by the Eagle City Engineer.

14. The applicant shall submit cut sheets showing street lighting details for review and approval by the Zoning Administrator prior to the submittal of the final plat. The plans shall show how the streetlights will facilitate the "Dark Sky" concept of lighting.
15. The applicant shall provide utility easements as required by the public utility providing service, and as may be required by the Eagle City Code, prior to the City Engineer signing the final plat.
16. An approval letter from the Eagle Fire Department shall be submitted to the City prior to the City Engineer signing the final plat. The letter shall include the following comments and minimum requirements, and any other items of concern as may be determined by the Eagle Fire Department officials:
 - a. The applicant has made arrangements to comply with all requirements of the Fire Department.
 - b. The proposed fire hydrant locations shall be reviewed and be approved in writing by the Eagle Fire Department prior to the City Engineer signing the final plat.
 - c. Minimum flow per hydrant shall be 1,000 gallons per minute for one and two family dwellings, 1,500 gallons per minute for dwellings having a fire area in excess of 3,600 square feet, and 1,500 gallons per minute (i.e.; Commercial, Industrial, Schools, etc.). Flow rates shall be inspected in accordance with all agencies having jurisdiction, and shall be verified in writing by the Eagle Fire Department prior to issuance of any building permits.

Example 3

- d. The proposed fire protection system shall be reviewed and approved by the Eagle Fire Department prior to issuance of a building permit.
17. Covenants, homeowner's association by-laws or other similar deed restrictions, acceptable to the Eagle City Attorney which provide for the use, control and mutual maintenance of all common areas, storage facilities, recreational facilities, street lights or open spaces shall be reviewed and approved by the Eagle City Attorney prior to the City Engineer signing the final plat.

A restrictive covenant must be recorded and a note on the face of the final plat is required, providing for mutual maintenance and access easements.

Appropriate papers describing decision-making procedures relating to the maintenance of structures, grounds and parking areas shall be reviewed and approved by the Eagle City Attorney prior to the City Engineer signing the final plat.
18. Should the homeowner's association be responsible for the operation and maintenance of the storm drainage facilities, the covenants and restrictions, homeowner's association by-laws or other similar deed restrictions acceptable to the Eagle City Attorney shall be reviewed and approved by the Eagle City Attorney prior to the City Engineer signing the final plat.
19. The applicant shall submit an application for Design Review, and shall obtain approval for all required landscaping, common area and subdivision signage prior to the City Engineer signing the final plat.
20. Any recreation area, greenbelt area or pathway area along the Boise River, Dry Creek or any other area designated by the City Council or Eagle Parks, Pathways and Recreation Commission for a path or walkway shall be approved in writing by the Eagle City Parks, Pathways and Recreation Commission prior to approval of the final plat by the City Council.
21. Conservation, recreation and river access easements (if applicable) shall be approved by the staff and the City Engineer and shall be shown on the final plat prior to issuance of a building permit or Certificate of Occupancy, whichever occurs first.
22. The applicant shall place a note on the face of the plat which states: "Minimum building setback lines shall be in accordance with the applicable zoning and subdivision regulations at the time of issuance of the building permit or as specifically approved and/or required".
23. The applicant shall comply with the provisions of the Eagle City Code, pertaining to floodplain and river protection regulations (if applicable) prior to the City Engineer signing the final plat.
24. The development shall comply with the Boise River Plan (if applicable) in effect at the time of City Council consideration of the final plat.
25. The applicant shall obtain written approval of the development relative to the effects of the Boise River floodplain (if applicable) from the Corps of Engineers prior to approval of the final plat by the City Engineer.
26. The applicant shall obtain approval of the development relative to its effects on wetlands or other natural waterways (if applicable) from the Corps of Engineers and the Idaho Department of Water Resources and/or any other agency having jurisdiction prior to the City Engineer signing the final plat.
27. Basements in homes in the flood plain are prohibited.
28. The Americans with Disabilities Act, Uniform Building Code, Eagle City Code, Eagle Comprehensive Plan, and all applicable County, State and Federal Codes and Regulations shall be complied with. All design and construction shall be in accordance with all applicable City of Eagle Codes unless specifically approved by the Commission and/or Council.

Example 3

29. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest submits application to the City of Eagle for a change to the planned use of the subject property.
30. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by the Eagle City Code Title 9 "Land Subdivisions" until the final plat has received the approval of the City Council (ECC 9-6-5 (A) (2)).

After Council approval of the final plat, the applicant may construct any approved improvements before the City Engineer signs the final plat. The applicant shall provide a financial guarantee of performance in the amount of 150% of the total estimated cost for completing any required improvements (see resolution 98-3) prior to the City Engineer signing the final plat. The financial guarantee shall be a Letter of Credit, Certificate of Deposit, cash deposit or certified check.
31. In accordance with Eagle City Code, if a final plat application is not filed within two (2) years following City Council approval the preliminary plat application shall be null and void, unless a time extension is granted by the City Council.
32. Prior to submitting the final plat for recording, the following must provide endorsements or certifications: Owners or dedicators, Registered Land Surveyor, County Engineer, Central District Health Department, Ada County Treasurer, Ada County Highway District Commissioners, City Engineer, and City Clerk.
33. The City's actions on the application does not grant the applicant any appropriation of water or interference with existing water rights. The applicant indemnifies and holds the City harmless for any and all water rights, claims in any way associated with this application.
34. The applicant shall take care to locate and protect from damage existing utilities, pipelines and similar structures. Documentation indicating that "Digline" has performed an inspection of the site shall be submitted prior to the issuance of any building permits for the site.
35. Place a note on the final plat which states in general that surrounding land with farm uses and related activities shall be protected pursuant to the Idaho Right to Farm Act.
36. The applicant shall install at the entrance to the subdivision a 4' x 4' plywood or other hard surface sign (mounted on two 4"x 4" posts with the bottom of the sign being a minimum of 3-feet above the ground) noticing the contractors to clean up daily, no loud music, and no dogs off leash.
37. The applicant shall provide a construction site dust control mitigation plan to be reviewed and approved by staff prior to the issuance of a "Notice to Proceed" with construction letter.

Example 3

CONCLUSIONS OF LAW:

1. The Council reviewed the particular facts and circumstances of this proposed rezone upon annexation (A-2025-04/RZ-2025-05) with regard to Eagle City Code Section 8-7-5 “Action by the Commission and Council”, and based upon the information provided concludes that the proposed rezone upon annexation is in accordance with the City of Eagle Comprehensive Plan and established goals and objectives because:
 - a. The requested zoning designation of R-1-DA-P (Residential with a development agreement-PUD) is consistent with the Foothills Residential designation as shown on the Comprehensive Plan Land Use Map because the clustering of the lots to preserve open space and because the density of the project is limited to 0.27 dwelling units per acre. The Foothills Residential designation within the comprehensive plan guides development to be a maximum of 1 unit per 2 acres (0.50 dwelling units per acre) once the constrained lands (inclusive of slopes in excess of 25%, floodways, and key habitat areas) are removed from the calculation. The subject property is 736.00 acres in size. 336-acres of the site are made up of slopes that are in excess of 25% which leaves 400-acres of unconstrained lands. A requested residential density of 0.50 dwelling units per acre within portions of the property that are unconstrained land is in alignment aligns with the desired densities as stated within the comprehensive plan. The property will be developed with firewise standards, as detailed within the fire management plan, to ensure compatibility as a potential hazard site;
 - b. The information provided by the agencies having jurisdiction over the public facilities needed for this site indicates that adequate public facilities exist, or are expected to be provided, to serve the single family residential subdivision use allowed on this property under the proposed zone. Water infrastructure which is owned and operated by the City of Eagle and was developed by Avimor Development for portions of the Avimor property was constructed through the subject property along the future Aerie Way and is available for use by the Sagehill Subdivision, as stated within the water agreement between Avimor, Sagehill, and the City (*Agreement for Service by and between Avimor Development, LLC, Sage Investment Partners, LLC, and City of Eagle*). The applicant stated that development of the subject property will not commence until Avimor Development develops additional transportation (Aerie Way) and sewer infrastructure (Avimor Water Reclamation Company) to the shared property line to the east;
 - c. The proposed R-1-DA-P (Residential with a development agreement-PUD) zoning district is compatible with the RP (Rural Preservation – Ada County Designation) and APD-DA (Avimor Planned Development with a development agreement) zoning designations and land uses to the north since that area is undeveloped and remains as native hillside or is in anticipated to be developed with both Foothills Residential (FR) and preserved Open Space (OS), as shown within the approved Avimor Master Land Use Plan. The proposed Sagehill Subdivision clusters residential development along the south side of the proposed Aerie Way and within the eastern portion of the development which primarily retains the north side of the property as native hillside;
 - d. The proposed R-1-DA-P (Residential with a development agreement-PUD) zoning district is compatible with the RP (Rural Preservation – Ada County Designation) and RR (Rural Residential – Ada County Designation) zones and land uses to the south since that area remains as there as the residential lots that are to be developed within the Sagehill Subdivision property to the south are generally setback from the southerly property line and a natural hillside will remain which provides separation through a natural buffer to the parcels to the south. Additionally, the lots within the southern portion of the property are generally 1.5-acres in size or larger and will include a substantial amount of on-lot open space between the residential structures and the adjacent undeveloped lands to the south;

Example 3

- e. The proposed R-1-DA-P (Residential with a development agreement-PUD) zoning district is compatible with the APD-DA (Avimor Planned Development with a development agreement) zone and land use to the east since that area is contained within Avimor's approved Master Land Use Plan and is designated as a mix of Village Residential (VR), Foothills Residential (FR), and Open Space (OS) and is anticipated to be developed with lots of similar size and with development regulations and standards that are similar to those approved for the Sagehill Subdivision;
 - f. The proposed R-1-DA-P (Residential with a development agreement-PUD) zoning district is compatible with the APD-DA (Avimor Planned Development with a development agreement) zone and land use to the west since that area is contained within Avimor's approved Master Land Use Plan and is designated as a mix of Foothills Residential (FR) and natural Open Space (OS) and is anticipated to be developed with lots of similar size and with development regulations and standards that are similar to those approved for the Sagehill Subdivision;
 - g. The land proposed for rezone is located within an area designated as "Hazard Area" or "Special Area" as described within the Comprehensive Plan, however the applicant submitted a natural features analysis that does not specify any items of concern within the property that will need to be addressed. No protected species of flora or fauna were able to be located on the site. Additionally, the property is located within the area designated as the Wildland-Urban Interface (WUI) Overlay District within the City, however the applicant has submitted a Wildfire Master Plan that provides development and maintenance standards of development that comply with current fire management regulations; and
 - h. The proposed use, as conditioned within the development agreement, of a residential subdivision does not create a non-conforming use with the R-1 zone;
 - i. The owner of the property has consented in writing to the annexation into the City of Eagle; and
 - j. The land proposed for rezone is contiguous to Eagle city limits along the eastern, north, and western property boundaries.
2. The Council reviewed the particular facts and circumstances of this proposed conditional use permit, preliminary development plan, and preliminary plat (CUP-2025-03/PPUD-2025-03/PP-2025-04) and based upon the information provided concludes that the application is in accordance with the City of Eagle Title 9 (Subdivisions) because:
- a. That the proposed PUD is in the public interest, advances the general welfare of the community and neighborhood, and will not be detrimental to the economic welfare of the community as the subject property will retain 478.13-acres of open space (inclusive a 2-acre minimum community park/recreation area) with a network of publicly accessible pathways and trails, will develop a portion of Aerie Way (Foothills Arterial street designation), which will aid in providing public access between State Highway 16 and State Highway 55 in the future, and will utilize specific sections of the Avimor code (Title 11B) that will permit the Sagehill Subdivision to be developed in a way that is complementary to the adjacent, planned portions of the Avimor Development. All improvements, including the construction of streets, water, and sewer improvements within the site will be completed by the developer of the property.
 - b. By maintaining approximately 65% of the property as open space, and in accordance with the submitted hillside development and grading standards, the development will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and how such use will not change the essential character of the same area because the subject property is being developed with large lot single-family residential uses. The City of Eagle previously approved Avimor's Master Land Use Plan for the Avimor development which will guide development in the future, who borders the subject property on three sides.

Example 3

- c. The Sagehill Subdivision is a residential subdivision comprised of clustered, large lot single family detached dwellings which will not be hazardous or disturbing to existing or future neighborhood uses since a majority of the site will either be developed as low-impact residential uses or will remain as native hillside, similar to the anticipated uses of the adjacent parcels. The adjacent property on three (3) sides of the subdivision is included within Avimor's Master Land Use Plan which reflects Avimor's intended land uses for the adjacent land that they own. The Master Land Use Plan includes Village Residential (VR), Foothills Residential (FR), and Open Space (OS) land use districts which are similar in nature to this development.
- d. Neither the development of the property nor the long-term use of the Sagehill Subdivision involves any uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- e. The Sagehill Subdivision will be served by State Highway 55 through the Avimor Development and will contribute to the public street network in the foothills as a portion of Aerie Way is developed along with the construction of the subdivision. The developer will construct a network of internal streets (all streets, except the cul-de-sac streets approved as private, will be public streets), along with additional improvements to the potable water system (City of Eagle) to service the users of the subdivision, a potential irrigation water system (City of Eagle/Avimor Water Reclamation Company [AWRC]), and sewer infrastructure (AWRC). Emergency Services will be provided by the Eagle Police Department (through the Ada County Sheriff's Office) and the Eagle Fire District. Trash Service will be provided through Hardin Sanitation. Residents of the subdivision will be within the West Ada school district's service boundary.

All public facilities and services are to be supplied and constructed by the developer and must be approved at the time of installation and before acceptance by the Avimor Water Reclamation Company, Eagle City Water System, Ada County Highway District, or the Idaho Transportation Department; and

- f. Construction of the Sagehill Subdivision will be privately funded and developed. As the individual residential lots are developed, impact fees will be paid which will assist in offsetting the cost of services, public facilities, and infrastructure that will service the new development. Upon completion of the development, the on-going maintenance of the subdivision, including, but not limited to, the open space [natural open space (as needed, parks, amenities, trails, pathways, lookout points, pickleball courts, intermittent pond, playground, shade structures, etc.)], sidewalks, private streets, and irrigation system will be funded by the developer until such a time that the responsibility is turned over to the home owner's association.
- g. The development includes approximately 478-acres of open space; a majority of which is preserved as natural open space that will have publicly accessible pathways and trails. Additionally, the development will include private amenities for the residents of the Sagehill Subdivision including pickleball courts, a shade structure and a park with a playground. There is an intermittent pond that will be retained in a natural state that will seasonally collect water that will be a focal point of the community amenity space.
- h. The vehicular approaches to the property (Aerie Way), which is designated as a foothills arterial street and will be constructed as a public street, is designed pursuant to the requirements of the Ada County Highway District, and will not create an interference with traffic on surrounding public thoroughfares.

Example 3

- i. As a foothills development, land that is currently in its natural state will be impacted and modified to construct roads, sidewalks, pathways, and trails along with the development of residential dwellings within the buildable lots. However, the natural features analysis demonstrates that no known historic, scenic, or natural features of major importance were discovered on the site and that none will be lost through the development of the property. The Sagehill Subdivision will participate in the Conservation Education Program (CEP) which contributes funds through an annual assessment collected by the HOA to the on-going preservation and education of open space and natural resources.
- j. The Sagehill Subdivision is harmonious with and in accordance with the general objectives of the Comprehensive Plan as the proposed density and clustering of the residential lots allow for a large portion of the site to be preserved and maintained as open space. The approved hillside development and grading standards require that the areas impacted by grading efforts are returned back to a near-natural state through the implementation of contour grading and re-seeding of plant materials that assist in slope stabilization efforts. The development will also comply with the requirements of the wildfire master plan to ensure best practices are implemented for fire safety.
- k. The Sagehill Subdivision will be harmonious with and in accordance with the general objectives of Eagle City Code Title 8, including the proposed use as a large lot single family subdivision utilizing the R-1 zoning designation. Components of the site will be developed consistent with the requirements of Eagle City Code Title 11B to ensure compatibility of future adjacent uses.
- l. To ensure that the interrelationship with the surrounding area and with areas planned to be developed in the future (as shown in the Avimor Master Land Use Map), components of the Sagehill Subdivision will be developed consistent with the requirements of Eagle City Code Title 11B, including landscape improvements and architectural stylings of constructed improvements. To ensure compatibility with future adjacent uses.

In case of large scale development (incorporating eleven (11) or more lots or dwelling units):

- m. Public services shall be provided to the development including, but not limited to, fire protection by the Eagle Fire District, police protection by the Eagle Police Department, central water by the City of Eagle Water, central sewer by Avimor Water Reclamation Company, schools through the West Ada School District and solid waste collection by Hardin Sanitation.

The public services that will be provided to the development include the following:

Fire Protection

The project is located within the Eagle Fire District service area is approximately 10.6 miles from Eagle Fire Station No. 3. It is anticipated that by the time development of the subject property begins that additional Eagle Fire District fire stations that are planned to be developed will be operable. One fire station location is proposed near the intersection of East Beacon Light Road and State Highway 55; another along the west side of State Highway 55 within the Avimor Development.

Police Protection

The project will be served by the Eagle Police Department through the Ada County Sheriff's Office. The property is approximately 10.4 miles from the Eagle Police Station.

Water Service

The project is located within City of Eagle Water certified area and will be provided served by the City of Eagle, pursuant to the water service agreement (*Agreement for Service by and between Avimor Development, LLC, Sage Investment Partners, LLC, and City of Eagle*) for the Sagehill Development, recorded by the Ada County Recorded on April, 13, 2022 [Ada County instrument number: 2022-036228].

Example 3

Sewer

The project will be served by the Avimor Water Reclamation Company (AWRC). The applicant will be required to comply with the requirements of the Avimor Water Reclamation Company.

Road Construction

The construction of all roads will be completed by the developer. Upon completion, the roads designated as public streets, including East Aerie Drive, North Goldenberry Way, East Sage Heights Drive, North Clover Hollow Way, North Tranquil Pass Way, East Bitterbark Drive, and North Woodstar Way will be dedicated to ACHD. The private streets (cul-de-sac streets) will be owned and maintained by the Sagehill homeowners' association, in perpetuity.

Open Space

The development will be comprised of approximately 478.13-acres (64.96% of the site) of open space. The development will primarily be comprised of natural hillsides inclusive of publicly accessible trails, pathways, and scenic outlook opportunities. A portion of the site (within phase 2) will be developed with community amenities including pickleball courts, a picnic shelter, and a playground. This area is anticipated to be a minimum of 2-acres in size and will provide recreational opportunities to residents.

Maintenance

The maintenance of all common lots and private open space areas within property will be regulated and maintained by the Sagehill Homeowners association, and as regulated through the development specific wildfire safety plan and grading and hillside development standards. The public roads will be maintained by ACHD; the private roads (cul-de-sac streets) will be owned and maintained by the Sagehill homeowners' association, in perpetuity. The water system will be publicly owned and maintained by the City of Eagle once installed. The sewer system will be owned and maintained by the Avimor Water Reclamation Company.

Schools

The residents of Sagehill Subdivision are located in the West Ada School District boundaries.

Solid Waste Collection

The residents of Sagehill Subdivision are serviced by Hardin Sanitation Service.

- n. The developer has provided an estimate of the public service costs to provide adequate service to the development has been provided by the developer, which it is stated that the developer will install sewer and water lines at no cost to the public. After installation, new property owners will pay monthly service fees, which fees are set by support agencies to cover their costs.

Example 3

- o. Assuming the residential units are all owner occupied, with a homeowner’s exemption of \$125,000 each, and an average sales price of \$3,000,000, the estimated taxable assessed value is \$2,875,000 per home. Using the 2024 levy rates posted on the city’s website, the total property taxes generated from this development are estimated as follows:

Sagehill Subdivision estimated property taxes:

Total Assessed Value each home \$2,875,000

	Levy Rate	Property Taxes
Ada County	0.00154415	\$4,439
Emergency Medical	0.000084684	\$243
Ada County Highway District	0.000495404	\$1,424
School District No. 2	0.000331832	\$954
Eagle City	0.000465337	\$1,338
Dry Creek Cemetery	0.000020371	\$59
Eagle Fire	0.001015337	\$2,919
Sewer (estimate)	0.000015242	\$44
Mosquito Abatement	0.000015041	\$43
College of Western Idaho	0.000085194	\$245
Total levy rate	0.004140883	
Total property taxes per home		\$11,905
Total annual property taxes for 200 homes		\$2,381,008

The total annual estimated property taxes for the site are \$2,381,008 per year.

- p. Private means of financing the services for the development (should the cost for the public services not be offset by the tax revenue received from the development) as the builder / developer will pay hook-up and impact fees to cover the cost burden to public agencies as they set the fee amount to cover these costs. Based on an estimated value for the development, the tax revenues and hook-up fees will cover costs. Hook-up fees, impact fees and monthly usage fees will increase if there is a shortage.

In case of the incorporation of private streets or private alleys:

- q. The site is zoned R-1-DA-P (Residential with a development agreement-PUD) and will function as a low-density large lot, foothills residential subdivision. The property will be access from both the east and west by the future Aerie Way, a foothills arterial street (public street) that will ultimately be part of the street network that connects State Highway 55 to the east to Willow Creek Road and State Highway 16 to the west. Within the property, a comprehensive network of local public streets provide uninhibited access to the parcel to the south and to a series of internal private cul-de-sac streets – each acting as an individual residential enclave. The applicant’s request for private cul-de-sac streets is a result of conversations had with ACHD through the application review process and reflects the site’s character. The use as a large lot residential development within the foothills creates a circumstance where private cul-de-sac streets enhance the overall design by allowing controlled access, compatible aesthetics, and reduced impacts to public infrastructure.


Example 3

- r. The proposed primary internal street system is to be developed as a public street network and will provide safe and efficient vehicular circulation for residents and service vehicles within the subdivision. The private street network only contains the proposed cul-de-sac streets which are not utilized for through connections within the development. Sidewalks are required on one side of the street (in instances where residences are only located on one side of the street) in accordance with the Planning and Zoning Commission's recommendation, ensuring pedestrian connectivity while maintaining an appropriate residential scale.
- s. The project provides adequate access for emergency and service vehicles, through the provided public street network. The private cul-de-sacs that exceed 750-feet in total length will be required to include bulb-outs to provide adequate intermittent bulb-outs in order to safely facilitate turnarounds by emergency responders and utility service providers, amongst others. The Sagehill subdivision does include multiple access points which comply with the applicable fire code standards.
- t. Access to the subdivision is provided solely from East Aerie Way (at both the east and west property boundaries) and will provide access through the site. East Aerie Way will be constructed to Ada County Highway District (ACHD) standards. The proposed private cul-de-sac streets will not alter or diminish the function of the existing public road network. ACHD has reviewed the proposal and provided conditions to ensure compliance with adopted roadway specifications.
- u. The subdivision's layout maintains legal access to all adjacent parcels and does not create any condition that would landlock neighboring properties since all through streets are to remain as public streets. The private street system consists only of the dead end cul-de-sac streets within the development, thus all adjoining lands retain access from future public streets. Therefore, the proposal complies with code provisions ensuring that no property is deprived of access.
- v. Each proposed private street takes access from only a single public street and terminates with a cul-de-sac. The flow of vehicular traffic through or within the development is not impeded by the connection of two or more public streets through the access of a private street.
- w. The alignment of the proposed private streets do not interfere with or disrupt the planned or existing continuity of the public street system.
- x. A homeowners' association (HOA) will be established as part of the subdivision's covenants, conditions, and restrictions (CC&Rs) to ensure long-term repair and maintenance of the private streets and associated improvements. The HOA will be responsible for funding, management, and enforcement of maintenance obligations, thereby ensuring compliance with city requirements for ongoing functionality and safety of private infrastructure.
- y. The proposed private street is located within a Planned Unit Development (PUD), as required by city code. Although the private street will serve all ninety-four (94) residential lots – exceeding the typical ten percent (10%) limitation – the City Council may suspend or relax this limitation where appropriate. Based on the limited scale and configuration of the development, the Commission finds that the extent of private street use is proportionate to the project size and consistent with the purpose of the PUD provisions, which allow flexibility without adverse impacts to the transportation network or surrounding properties.

Example 3

DATED this 9th day of December, 2025.

CITY COUNCIL
OF THE CITY OF EAGLE
Ada County, Idaho



Brad Pike, Mayor

ATTEST:



Tracy E. Osborn, Eagle City Clerk



“Regulatory Taking Notice: In accordance with section 67-6519, Idaho Code, Applicant has the right, pursuant to section 67-8003, Idaho Code, to request a regulatory taking analysis”

BEFORE THE EAGLE PLANNING AND ZONING COMMISSION

IN THE MATTER OF AN APPLICATION)
FOR A COMPREHENSIVE PLAN AMENDMENT,)
ANNEXATION, REZONE FROM RUT [ADA COUNTY)
DESIGNATION] TO R-2-DA-P [RESIDENTIAL WITH)
A DEVELOPMENT AGREEMENT-PUD],)
CONDITIONAL USE PERMIT, PRELIMINARY)
DEVELOPMENT PLAN, AND PRELIMINARY PLAT)
FOR EVIAN SUBDIVISION FOR ROB R. NASH)

DECISION:

CASE NUMBER

CPA-2025-04/A-2025-03/RZDA-2025-04/CUP-2025-02/PPUD-2025-02/PP-2025-03

The above-entitled comprehensive plan amendment, annexation, rezone with a development agreement, conditional use permit, preliminary development plan, and preliminary plat applications came before the Eagle Planning and Zoning Commission for their recommendation on July 7, 2025, at which time public testimony was taken and the public hearing was closed. The Eagle Planning and Zoning Commission, having heard and taken oral and written testimony, and having duly considered the matter, includes the following facts and conclusions in support of the decision;

FACTS:

A. PROJECT SUMMARY:

Rob R. Nash, represented by South Beck and Baird, is requesting a comprehensive plan amendment, annexation and rezone from RUT (Rural Urban Transition – Ada County Designation) to R-2-DA (Residential with a development agreement - PUD), conditional use permit, preliminary development plan, and preliminary plat approvals for Evian Subdivision, a 61-lot (50-buildable, 11-common [1-private street]) residential planned unit development. The 45.88-acre site is generally located north of Trout Road, approximately 2,100-feet east of South Linder Road.

B. APPLICATION SUBMITTAL:

A Neighborhood Meeting was held at 44 N. Palmetto Avenue, Eagle, Idaho at 6:00 PM, on Wednesday, March 12, 2025, in compliance with the application submittal requirement of Eagle City Code. The applications for this item were received by the City of Eagle on April 8, 2025. A revised Natural Features Analysis was received by the City on May 5, 2025. A revised narrative, revised application checklists, and fencing and pathway exhibits were received by the City on June 4, 2025. A second revised narrative was received by the City on June 13, 2025. A revised preliminary plat was received by the City on June 17, 2025. A revised preliminary development plan was received by the City on June 23, 2025. The owner of the property has consented in writing to the annexation into the City of Eagle.

C. CONTIGUOUS TO CITY LIMITS:

The subject property is contiguous to Eagle City limits along the eastern property boundary.

Example 4

D. NOTICE OF PUBLIC HEARING:

Requests for agencies' reviews were transmitted on April 15, 2025 in accordance with the requirements of the Eagle City Code. Notice of Public Hearing on the applications for the Eagle Planning and Zoning Commission was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Eagle City Code on June 22, 2025. Notice of this public hearing was mailed to property owners in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Eagle City Code on June 20, 2025. The site was posted in accordance with the Eagle City Code on June 25, 2025.

E. HISTORY OF RELEVANT PREVIOUS ACTIONS:

No relevant previous actions associated with this application have been identified.

F. COMPANION APPLICATIONS:

All applications are inclusive herein.

G. APPLICANT'S STATEMENT OF JUSTIFICATION OF A DEVELOPMENT AGREEMENT:

The applicant is requesting a development agreement to define and limit the uses and residential density of the site (as stated in the applicant's narrative dated June 13, 2025, attached hereto).

H. COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP DESIGNATIONS:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
Existing	Estate Residential	RUT (Rural-Urban Transition – Ada County designation)	Single-family dwelling on an otherwise vacant parcel
Proposed	Neighborhood Residential	R-2-DA-P (Residential with a development agreement – PUD)	Proposed Single-Family Residential Subdivision
North of site	Floodway	RUT (Rural-Urban Transition – Ada County designation)	Boise River
South of site	Estate Residential	R6 (Residential - Ada County Designation) and RUT	Mobile Home Parks and Single-Family Dwellings
East of site	Public/Semi-Public	PS (Public/Semi-Public)	Eagle Island State Park
West of site	Estate Residential	RUT (Rural-Urban Transition – Ada County Designation)	Single-Family Dwellings

I. DESIGN REVIEW OVERLAY DISTRICT:

The site is located within the city-wide Design Review Overlay District.

Example 4

J. SITE DATA:

Total Acreage of Site – 45.88

Total Number of Lots – 61

Residential – 50

Commercial – 0

Industrial – 0

Common – 11

Total Number of Units – 50

Single-family - 50

Single-family attached - 0

Two-family - 0

Multi-family - 0

Total Acreage of Any Out-Parcels – 0

Additional Site Data	Proposed	Required
Dwelling Units Per Gross Acre	1.09-dwelling units per acre	1.09-dwelling units per acre maximum (as limited by the development agreement)
Minimum Lot Size	20,082-square feet	17,000-square feet
Minimum Lot Width	87.9-feet	75-feet
Minimum Street Frontage	75-feet	35-feet
Total Acreage of Common Area Open Space	11.72-acres	9.18-acres
Percent of Site as Common Area Open Space	25.54%	20% (minimum) Except that, according to ECC Section 9-3-8 (C) the City may require additional public and/or private park or open space facilities in PUDs

K. GENERAL SITE DESIGN FEATURES:

Landscape Screening:

The preliminary plat, date stamped by the City on June 17, 2025, shows three common lots (Lots 1, 2, and 48, Block 1) located along the frontage of Hatchery Road at the proposed entrance of Evian Subdivision. Lots 1 and 2, Block 1, located east of the proposed entrance, have a combined area of approximately 0.86-acres and are proposed to include a mailbox cluster and landscaped open space. Lot 48, Block 1, located west of the proposed entrance, is approximately 0.81-acres and is proposed to contain an irrigation pond, sewer lift station, pressurized irrigation pump station, and a storm drain pond.

Common Area Open Space:

See the preliminary development plan, date stamped by the City on June 23, 2025. Open space amenities are proposed to include Neighborhood pathways and a pond central to the subdivision, which the applicant has indicated will be open for activities such as fishing and paddleboarding. 25.5% of the overall site is proposed to be open space.

Example 4

Storm Drainage and Flood Control:

Specific drainage system plans are to be submitted to the City Engineer for review and approval prior to the City Engineer signing the final plat. The plans are to show how swales, or drain piping, will be developed in the drainage easements. Also, the CC&R's are to contain clauses to be reviewed and approved by the City Engineer and City Attorney, requiring that lots be so graded that all runoff runs either over the curb, or to the drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.

Utility and Drainage Easements, and Underground Utilities:

Eagle City Code section 9-3-6 requires utility easements to be not less than ten feet (10') wide.

Fire Hydrants and Water Mains:

Hydrants are to be located and installed as required by the Eagle Fire Department.

On-site Septic System:

No on-site septic systems are proposed for the subdivision. Given that the majority of the site lies within a Special Flood Hazard Area, the use of septic systems would be inconsistent with best practices for public health, groundwater protection, and floodplain management, and should not be permitted.

Preservation of Existing Natural Features:

Wetlands have been preliminarily identified on the property, but a formal delineation has not yet been completed. Given the site's proximity to the Boise River and its location within the floodplain, these potential wetlands represent a special area of concern. Until a full delineation is submitted and reviewed by the City, the extent and regulatory status of these natural features remain uncertain. Any future development, grading, or drainage modifications will need to avoid or appropriately mitigate impacts to wetlands in accordance with local, state, and federal regulations.

Preservation of Existing Historical Assets:

Staff is not aware of any existing historical assets on the site. If any historical artifacts are discovered during excavation or development of the site, state law requires immediate notification to the state.

L. STREET DESIGN:

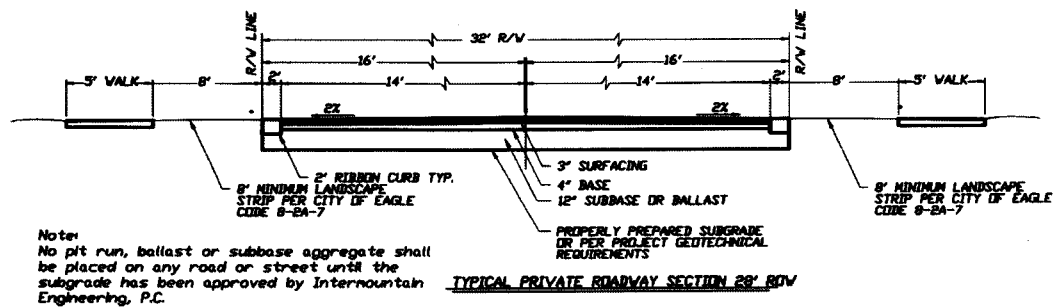
Private or Public Streets:

All streets within Evian Subdivision are proposed to be private. The applicant is requesting a waiver of Eagle City Code Section 9-3-2-1(I), which limits the proportion of lots that may be served by private streets. The applicant is also requesting approval for a gated entrance at Hatchery Road, which is the sole vehicular access point to the subdivision.

See the applicant's narrative, date stamped by the City on June 13, 2025, for the applicant's justification of private roads and gated access.

The applicant is proposing a thirty-two-foot (32') wide private street section with ribbon curbing. Detached five-foot (5') wide sidewalks and an eight foot (8') wide planter strip are proposed directly adjacent to the private street.

Example 4



See the ACHD staff report, dated May 20, 2025, attached hereto.

Sidewalks:

Detached five foot (5') wide concrete sidewalks are proposed (separated by an eight foot [8'] wide planter strip). The five foot (5') wide sidewalks and planter strips are located outside of the private street common lot on both sides of the proposed private streets.

The ACHD report indicates that the portion of Hatchery Road which abuts the site is required to be improved with a 5-foot (5') wide concrete sidewalk. If the applicant elects to install detached sidewalks on Hatchery Road, an eight foot (8') wide planter strip is required.

Curbs and Gutters:

Curbs and gutters which meet Ada County Highway District standards are proposed for the interior streets.

Lighting:

Lighting for the proposed private streets is required. Location and lighting specifications incorporating a "Dark Sky" style of lighting shall be provided to the City Zoning Administrator prior to the submittal of the final plat. Any modifications made to the lighting shall be completed before the final plat approval.

Street Names:

Street names should be approved by the Ada County Street Naming Committee prior to submittal of a final plat application.

M. ON AND OFF-SITE PEDESTRIAN CIRCULATION:

Pedestrian Walkways:

Pedestrian circulation is proposed to be provided by five-foot (5') wide sidewalks on both sides of all private streets. In addition, the applicant is proposing six-foot (6') wide Neighborhood pathways that connect internal amenity areas to the sidewalk network.

On June 19, 2025, the Parks, Pathways, and Recreation Commission recommended that all sidewalks within Evian Subdivision be designated for public pedestrian access in perpetuity.

Example 4

N. PUBLIC USES PROPOSED:

There are no public uses proposed within the subdivision.

On June 19, 2025, the Parks, Pathways, and Recreation Commission recommended that a 10' wide asphalt Regional Pathway be constructed within Evian Subdivision, extending continuously to both the eastern and western boundaries of the property. This recommendation was made in recognition of the site's direct adjacency to Eagle Island State Park and the subdivision's location within a planned segment of the City's broader greenbelt pathway network.

O. AVAILABILITY AND ADEQUACY OF UTILITIES AND SERVICES:

The subject property is within the service boundaries of the Eagle Police Department, Eagle Fire Department, and the Eagle Sewer District. The site is located within a water service boundary that may potentially be served by either the City of Eagle Water Department or Veolia Water, depending on service area coordination and infrastructure feasibility. The applicant has expressed an intent to pursue water service through Veolia Water.

Regarding central sewer service, the property has not yet been annexed into the Eagle Sewer District, and public sewer infrastructure is not presently available in the immediate vicinity. However, the area is identified in the Eagle Sewer District Master Plan as a future service area. According to correspondence received from the Eagle Sewer District on April 15, 2025, the applicant has initiated coordination with the District to define the design and location of a new lift station that would be required to serve the development. The applicant has also reached a preliminary agreement with the property owner at 4171 Old Valley Road, north of the Boise River, to provide a sewer easement, which may be executed upon project approval. Further coordination will be necessary to finalize annexation into the Sewer District and to confirm long-term service availability.

P. SPECIAL ON-SITE FEATURES *(Based on the Natural Features Analysis Report for Evian Subdivision, date stamped by the City on May 5, 2025 – attached to the staff report):*

Areas of Critical Environmental Concern – yes; 100-year floodplain and wetlands

Evidence of Erosion – no

Fish Habitat – no

Floodplain – AE Zone (FIRM Panel #16001C0134J) covers the northern 40 +/- acres of the subject property

Mature Trees – yes; adjacent to the northern property line, within the wetland areas, and in proximity to Hatchery Road

Riparian Vegetation – yes; riparian trees and vegetation associated with the Boise River

Steep Slopes – no

Stream/Creek – yes; ponds which appear to be hydraulically connected to the north channel of the Boise River are located within Lots 8, 10, 11, 40, and 42, Block 1

Unique Animal Life – none identified

Unique Plant Life – none identified

Unstable Soils – none identified

Wildlife Habitat – yes; 20 avian species were determined to possibly be impacted by the project, as well as two insect species and one plant species (see Natural Features Analysis for specific species information)

Example 4

Q. SUMMARY OF REVIEW OF ENVIRONMENTAL ASSESSMENT PLAN (*The following excerpts were taken from the Natural Features Analysis Report for Evian Subdivision, date stamped by the City on May 5, 2025*):

3.5.3 | Likely Wetlands and Waters of the United States (WOTUS)

Likely wetlands and Waters of the United States (WOTUS) were identified during field surveys of the project, which occurred on February 20, 2025, and March 11, 2025 (Figure 11). In addition, 2019 Lower Boise River Earth LiDAR data was utilized with mapping efforts of likely wetlands and WOTUS. Wetlands are generally defined as those areas that support plant species adapted to growing in soils saturated by surface water or groundwater near the surface. Figure 11 shows the results of our preliminary wetlands and WOTUS mapping in the Evian Subdivision Project. Based on our professional judgement, we believe that there are 3.8 acres of areas that are clear wetlands, that there are 0.3 acres of areas that are probably wetlands, that there are 2.4 acres of areas that are likely wetlands, and that there are 2.5 acres of areas that are possible wetlands. (Table 2)

4 | Summary of Impacts on Natural Features

The proposed development would result in the conversion of historic pastureland and excavated ponds into a residential subdivision in a lower-lying area adjacent to the north channel of the Boise River. The extent to which the ponds and wetlands will be preserved or relocated is not clear at this point in the planning process.

No sensitive plant or wildlife species were determined to utilize the project upon review of Idaho Department of Fish and Game IFWIS data. According to the USFWS' Information and Planning Center (IPaC), 20 avian species were determined to possibly be impacted by the project, as well as two insect species and one plant species. Upon review of the project plans and preliminary wetland mapping results, it appears that the project will impact 6.5 acres of clear, probable, or likely wetlands. (Table 2)

Much of the project has been heavily grazed by cattle and as a result there is a proliferation of nonnative, weedy plant species throughout the site. Much of the area is devoid of vegetation much of the year due to the impacts of cattle. Such conditions do not provide suitable habitat for the multitude of wildlife species that might otherwise use the project. However, the open space and ponds present in the project were found to support the numerous avian species during a site visit to the project on March 11, 2025. Much of the project is surrounded by in-tact riparian trees and shrubs associated with preserved habitats along the Boise River that likely contributes to the number of birds seen during the March 2025 site visit to the project. The future subdivision is likely to contain as much open water due to the construction of additional ponds, and more woody species suitable for passerines, as landscaping plantings will contain trees and shrubs not currently on-site.

Table 2. Likely Wetlands and Waters of the United States

Type	Description	Acres
Clear Wetland	>90% chance of wetland	3.8
Probable Wetland	60-90% chance of wetland	0.3
Likely Wetland	40-60% chance of wetland	2.4
Possible Wetland	<40% chance of wetland	2.5
Total		9.0

Example 4

R. PROPOSED TIME SCHEDULE FOR THE DEVELOPMENT OF THE SITE:

The applicant has not proposed a phasing plan with this application.

S. EAGLE CITY CODE FINDINGS FOR A CONDITIONAL USE PERMIT, PLANNED UNIT DEVELOPMENT, AND PRELIMINARY DEVELOPMENT PLAN:

1. That the proposed PUD is in the public interest, advances the general welfare of the community and neighborhood, and will not be detrimental to the economic welfare of the community.
2. That the development be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and how such use will not change the essential character of the same area.
3. That the development will not be hazardous or disturbing to existing or future neighborhood uses.
4. That the development does not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
5. That the development will be served adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.
6. That the development will not create excessive additional requirements at public cost for public facilities and services.
7. That the development is provided with parks, ponds, open areas, areas of special interest, floodplain preservation, and/or other special features which would not typically be provided in a non-PUD proposal.
8. That the vehicular approaches to the property are designed to not create an interference with traffic on surrounding public thoroughfares.
9. That the development will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.
10. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan.
11. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of Eagle City Code Title 8.
12. That the benefits, combination of various land uses, and interrelationship with the surrounding area for this proposed development justifies any proposed deviation from any standard district regulations.

In case of large - scale PUDs (incorporating eleven [11] or more lots or dwelling units):

13. That public services shall be provided to the development including, but not limited to, fire protection, police protection, central water, central sewer, road construction, parks and open space, recreation, maintenance, schools and solid waste collection.
14. That an estimate of the public service costs to provide adequate service to the development has been provided by the developer.
15. That an estimate of the tax revenue that will be generated from the development has been provided by the developer.
16. That suggested public (or private) means of financing the services for the development if the cost for the public services would not be offset by the tax revenue received from the development has been provided by the developer.

Example 4

For a request of up to 10% of the gross land area to be directed to uses other than residential (No such request was included as part of this application):

17. That the uses are appropriate with the residential uses.
18. That the uses will serve principally the residents of the PUD.
19. That the uses are planned to be an integral part of the PUD.
20. That the uses located and designed to provide direct access to a collector or arterial street.
21. That the proposed street connections will not create congestion or traffic hazards.

T. AGENCY RESPONSES:

The following agencies have responded, and their correspondence is attached to the staff report:

City Engineer: All comments within the engineer's letter dated July 1, 2025, are of special concern.

Ada County Highway District
Boise River Flood Control District 10
Department of Environmental Quality
Eagle Fire Department
Eagle Sewer District
Hart-Davis Ditch Company
Idaho Transportation Department

U. RESPONSE FROM THE EAGLE PARKS, PATHWAYS, AND RECREATION COMMISSION:

All comments within the City's action report dated June 20, 2025 are of special concern, attached to the staff report.

V. LETTERS FROM THE PUBLIC:

No letters from the public have been received to date.

THE PLANNING AND ZONING COMMISSION RECEIVED AND REVIEWED THE FOLLOWING STAFF ANALYSIS PROVIDED WITHIN THE STAFF REPORT AND ADOPTS THE STAFF REPORT AS PART OF THE PLANNING AND ZONING COMMISSION'S FACTS:

A. COMPREHENSIVE PLAN PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

The Comprehensive Plan Land Use Map (adopted November 15, 2017), designates this site as the following:

Estate Residential

A single family residential area transitioning between agriculture and conventional residential uses. Densities range from 1 unit per 2 acres to 1 unit per 5 acres. Small scale agriculture and horticulture uses are encouraged. Density may be limited due to the limited availability of infrastructure and roadway capacity.

Neighborhood (Proposed Comprehensive Plan Designation)

Suitable for single family residential. Densities range from 2 units per acre to 4 units per acre.

Example 4

CHAPTER 6: LAND USE

6.4.3 General Land Use Implementation Strategies

- X. Require design treatments to provide compatibility of new development with existing development by considering such issues as transitional lot sizing, building orientation, increased setbacks, height limitations, size restrictions, design requirements, fencing, landscaping or other methods as determined through the development review process.

6.9 Eagle Island Planning Area

The Eagle Island Planning Area is designated for open space, recreation, and limited residential. This area should contain trails, open space, and parks in conjunction with limited residential densities of up to 1 unit per 1-2 acres. The visioning for this area is to complete a pathway and recreation connection across Eagle Island while allowing residential uses that are sensitive to and set back from critical habitat, wetlands, and Boise River Flood areas. The following land use and development policies are specific to the Eagle Island Planning Area.

6.9.1 Eagle Island Land Uses

- B. Due to the sensitive nature of the planning area and the limited availability of utilities and sanitation services, residential uses should be limited to large lot residential (1-2 acre lots) and/or clustered residential lots at the same overall density to preserve areas of special concern.
- C. A pathway and trails network should be encouraged to provide pedestrians/bicycle access along the Boise River corridor connecting the City to the State Park and beyond.
- D. Flood control and sportsman's access to the Boise River should be planned for and formalized during the development approval process to limit the impacts of informal access on sensitive habitat, wetland, and floodway areas.
- E. Wetlands, habitat, and floodway issues are of great concern in the Eagle Island Planning Area. Unique land uses such as Eagle Island State Park and the Idaho Fish and Game Fish Hatchery provide an opportunity to educate the public on the important functions of the Boise River including habitat, wetlands, and water quality.

6.9.2 Eagle Island Access and Connectivity

- A. The primary access to the Eagle Island Planning Area is from Linder Road, Mace Road via Eagle Road, and the access into Eagle Island State Park at Eagle Island Parkway via State Highway 44.
- B. Linder Road is identified as a major mobility corridor. Due to the limited number of river crossings, Linder Road will continue to be an important arterial roadway within the City and region. Access to Linder Road should be consolidated to help limit the impacts to the Linder Road and the river crossing.
- D. A pathway and trails network should be encouraged to provide pedestrian access along the Boise River corridor and along the interior of the Island from Eagle Road to Eagle Island State Park. Eagle Island State Park should be a trail hub providing access from all directions.
- E. Special attention should be given to bike and pedestrians crossing of the State Highway and arterial system into the park. The City should work with ITD, ACHD, and Idaho Parks and Recreation to ensure that signalized crossings are provided.

Example 4

6.9.3 Eagle Island Design

- A. This area should be recognized as a recreation and open space hub within the City. The design of the area should focus on pedestrian and bicycle accessibility.
- B. The area should be developed with recognition of the sensitivity of the island and the opportunity to implement management practices in storm water, reuse, conservation, and environmental design, and education.
- C. Design of lots and homes sites should take into consideration the scenic, wildlife, and river corridor, and provide sufficient setback and buffering to accommodate the sensitive habitat and floodway areas.
- D. The integration of lot sizes should be seamless with continuity of street design, open space, trails, and housing throughout the area.

6.9.4 Issues of Concern

- A. The focus for the City should be balancing and protecting the interests of the public ownership, recreational access, private land owners, and the environmentally sensitive areas (wetlands, habitat, and floodway) located on the island.
- B. With a large state park and thousands of annual visitors, the City should work with IP&R to ensure that the park and surrounding areas are not loved to death. The City should review options that ensure the preservation and enhancement of the sensitive areas by promoting wetlands banking, habitat restoration, and conservation easements instead of “active” open space.

B. ZONING CODE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

- Eagle City Code Section 8-2-1: Districts Established, Purposes and Restrictions:

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in an R district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. Multi-family and two-family units/developments are prohibited in R-1, R-2, R-3, R-4 and R-5 zoning districts, unless approved as part of a planned unit development (PUD). Centralized water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per two (2) acres (R-E). Whenever there is a conflict or difference between the provisions of this section and those of other chapters and/or other titles, the chapter or title with the more restrictive provision shall prevail.

P PLANNED UNIT DEVELOPMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., R-4-P), indicates that the development was approved by the city as a planned unit development. Density transfers may have been permitted as a part of the overall development.

DA DEVELOPMENT AGREEMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement. Specific provisions, as may have been incorporated within the development agreement, are applicable to development within this zoning designation.

Example 4

- Eagle City Code Section 8-2-4: Schedule of Building Height and Lot Area Regulations:

Zoning District	Maximum Height	Minimum Yard Setbacks Note Conditions A To E*				Maximum Lot Covered F And J*	Minimum Lot Area (Square Feet) H*	Minimum Lot Width I*
		Front	Rear	Interior Side	Street Side			
R-2	35'	30'	30'	10'	20'	40%	17,000	75'

- B. Additional 5 feet per story side setback is required for multi-story structures. Height not to exceed maximum allowed within the zone.
 - G. All front load garages shall be set back a minimum of 25 feet from the back of sidewalk.
- Eagle City Code Section 8-3-3: Supplemental Yard and Height Regulations:
 - B. Fences:
 - In any front yard area, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and one-half feet (2 1/2') measured from the centerline grade of the adjacent street. Picket style fences where fifty percent (50%) of the fence remains open may be permitted up to four feet (4') in height. Chainlink fencing is prohibited in any front yard area.
 - Fencing located adjacent to any street identified as a collector or arterial on the transportation and pathway network plan in the Eagle comprehensive plan, and on the street side of all corner lots, shall be an open fencing style such as wrought iron or other similar see through, decorative, durable fencing material, except as otherwise may be permitted in subsection 8-2A-7J of this title.
 - Chainlink fencing is prohibited in the R (Residential) Zoning District.
 - A permit is required prior to the construction of a fence in any front yard area and along any street within the City subject to the application requirements established in section 8-7-2 of this title.
 - Eagle City Code Section 8-6-1: Purpose, Goals and Objective:
 - A. Purpose: The purpose of this chapter is to establish clear development standards that will achieve the city of Eagle's vision for development as presented in the Eagle comprehensive plan. The standards will be designed to create livable communities that provide exemplary open spaces and recreational opportunities, that encourage a diversification of housing types, styles and living options for a wide range of income levels and lifestyles, and thereby enhance the living experience within the city of Eagle.
 - B. Goals: To provide guidance and establish expectations for development within the city of Eagle. The PUD provides clear standards and options for development within the city including lot sizing, open space and the diversification of housing types.
 - C. Objective: To guide land development and construction through the planned unit development (PUD) to achieve the following:
 - A maximum choice of living environments by allowing a variety of housing and building types, lot dimensions, yards, building setbacks and area requirements;

Example 4

2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses, office uses and services;
 3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
 4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and
- A development pattern in harmony with the objective for land use density, transportation and community facilities as presented in the comprehensive plan. (Ord. 566, 5-15-2007)
 - Eagle City Code Section 8-6-5-5: Arrangement of Residential Units:

To encourage land use plans to be submitted as a planned unit development (PUD) so as to provide an enhanced integration of open space and a variety of housing options, the following design criteria shall be considered by the city:

- A. All lots within the PUD shall comply with the minimum lot size in the underlying zone as established in section 8-2-4 of this title, except that a decrease in the minimum lot size may be allowed if there is an "offsetting increase" of the same square footage in open space and a favorable finding is made by the council that the smaller lots are appropriately integrated into the overall design and that the building product type is compatible with the PUD and surrounding area.

As an incentive to submit a PUD versus a standard subdivision, the initial starting point for minimum open space, prior to any "offsetting increase" being added, shall be the area that is equal to ten percent (10%) of the site. This allowance shall only be permitted under the following criteria:

1. The total common area open space shall be equal to or greater than twenty percent (20%), inclusive of the "offsetting increase" square footage.
2. A favorable finding by the council must be obtained assuring that character, identity and architectural and siting variation are incorporated into the development and that these factors make up a substantial contribution to the objectives of the PUD. These design elements are as follows:
 - a. Landscaping, streetscape, open spaces and plazas, use of existing landscaping, pedestrianway treatment and recreational areas;
 - b. Siting, visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks and building grouping (such as clustering); and
 - c. Design features, street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features and varied use of housing types.
3. Setbacks for modified lots sizes shall conform with the closest compatible base zone under section 8-2-4 of this title.

Example 4

- Eagle City Code Section 8-7-3-5: Conditional Use Permit:
 - D. Conditions Of Permit: Upon the granting of a conditional use permit, conditions may be attached to said permit including, but not limited to, those:
 1. Minimizing adverse impact on other development;
 2. Controlling the sequence and timing of development;
 3. Controlling the duration of development;
 4. Assuring that development is maintained properly;
 5. Designating the exact location and nature of development;
 6. Requiring the provision for on site or off site public facilities or services; and
 7. Requiring more restrictive standards than those generally required in this title.
 - Eagle City Code Section 8-7-5(D): General Procedure for Amendments: Zoning districts shall be amended in the following manner:
 4. If the request is not in accordance with the Comprehensive Plan, the request shall be submitted to the planning or planning and zoning commission, or in its absence, the council, which shall recommend, and the council may adopt or reject an amendment to the comprehensive plan, under the notice and hearing procedures in section 67-6509, Idaho Code. After the comprehensive plan has been amended, this title may then be amended as hereinafter provided for.
- C. SUBDIVISION CODE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:
- Eagle City Code Section 9-3-2-5: Private Streets and Private Alleys:

Private streets and private alleys may be permitted, in the discretion of the council, subject to the following:

 - A. Compliance: The council must find that any proposed private streets or private alleys are in compliance with each of the following criteria:
 1. Unique or special circumstances exist with respect to the proposed use, design, location, topography, or other features of the development or its surroundings such that private streets and or private alleys will serve to enhance the overall development.
 2. Safe and effective movement of both vehicular and pedestrian traffic, sidewalks, and parking are provided.
 3. Adequate access for service and emergency vehicles is provided.
 4. Access and good transportation planning to adjacent property and to the area travel networks is not adversely affected.
 5. Adjacent property will not be landlocked by the site layout.
 6. Other than to provide emergency access, the private streets, or private alleys, do not connect one public street to another, thereby encouraging travel through the development served by the private street; provided, however, that in order to provide secondary access, a private street may have more than one connection to a public street and/or may be connected to more than one public street if access thereto is controlled by automatic gates or other control devices approved by the council.
 7. The use or alignment of the private streets or alleys do not interfere with the continuity of public streets.

Example 4

8. An appropriate mechanism has been established for the repair and maintenance of the private streets and private alleys, including provisions for the funding thereof.
 9. Private streets and private alleys are only permitted within a planned unit development and are limited to providing access to no more than ten percent (10%) of the lots, except that private streets and private alleys may serve all single family attached dwelling lots.
- B. Construction And Design Standards: Private streets and private alleys shall conform to the following construction and design requirements:
1. All private street and private alley construction shall be in accordance with Ada County highway district's structural standards for streets and alleys including base course and asphaltic concrete mat thickness utilizing the appropriate traffic index or as may be recommended by the city engineer and approved by the city council, and shall further be in accordance with Ada County highway district's intersection design and drainage requirements, or as may be recommended by the city engineer and approved by the city council.
 2. Except as may be otherwise set forth in this section, private streets and private alleys shall meet such design and dimensional requirements as the council may determine are appropriate considering the proposed use and the site upon which the private streets are to be placed, however, all private streets shall contain paved travel lanes a minimum of twelve feet (12') in width and private alleys shall contain paved travel lanes a minimum of ten feet (10') in width and shall provide for the safe, convenient, and effective movement of both vehicular and pedestrian traffic for private streets and vehicle traffic for private alleys. Vertical curbing shall be provided for private streets that are less than thirty-four feet (34') in total width. Alleys must utilize other curb types.
 3. Sidewalks shall be required in accordance with subsection 9-4-1-6F of this title. However, alternative sidewalk and landscape strip designs may be approved by the City Council based upon a finding made by the Council that characteristics and qualities of the development justify the alternate design. Sidewalks and planter strips, as referenced within subsection 9-4-1-6F of this title, shall not be required along alleys.
 4. The design engineer shall identify on the construction drawings for the review and approval by the city engineer, all traffic signs needed for the project, including, but not limited to, designated parking and "no parking" areas, speed, stop, and such other signs as are required for safe pedestrian and vehicle travel.
 5. All private streets and private alleys shall, during the progress of construction, be inspected and tested, at the expense of the owner or developer, by a qualified inspector in order to ensure compliance with the construction and design standards set forth in this section, the construction drawings as prepared by the registered professional engineer, and good engineering and construction practices. Reports of such inspections and tests shall be submitted, together with a certification of such compliance, for the review and approval by the city engineer.
 6. All dead end private streets and private alleys shall terminate at one of the following approved turnaround areas:
 - a. A cul-de-sac designed in accordance with the provisions of subsection 9-3-2-1G of this chapter and subject to the approval of the Eagle fire district and city engineer and provided further that proper maintenance of the island is provided for;
 - b. A hammerhead/tee type turnaround or as may be otherwise approved by the Eagle fire district and the city engineer; or

Example 4

- c. Such other turnaround area as may be approved by the Eagle fire district, city engineer, and city council.
 - d. Private streets and private alleys not exceeding 150-feet may terminate with no turn-around if approved by the Eagle Fire District.
7. The design of all private streets and private alleys and related storm drainage facilities shall be prepared by a licensed professional engineer in the state in substantial conformance with engineering and design standards in effect at the time of preparation of the design. Construction drawings, together with a certification of such conformity, shall be submitted for the review and approval by the city engineer. No part of this section shall be construed as allowing a private street that is not in conformance with current engineering and design standards.
 8. If any provision of this section is found to be in conflict with any other applicable provision of this title, the provision which establishes the higher and/or more restrictive standard shall prevail, unless specifically determined otherwise by the city council.
- C. Access And Maintenance Requirements: Provisions shall be made for the future maintenance of and access to private streets and private alleys as follows:
1. A plan and schedule for the future repair and maintenance of the private street and private alley and drainage facilities for the period of the expected lifetime thereof and a cost estimate therefor prepared by a licensed professional engineer in the state, together with a proposed method for funding the same, including, but not limited to, the creation and maintenance of a reserve fund for that purpose, shall be submitted with the final plat application for review and approval by the city engineer and city council.
 2. The location of private streets and private alleys shall be clearly depicted on the face of the plat and notes shall be included on the face of the plat which shall:
 - a. Act to convey to each lot owner within the subdivision to be served by the private streets or private alleys the perpetual right of ingress and egress over the described private street;
 - b. Provide that such perpetual easement shall run with the land; and
 - c. Provide that the restrictive covenant for maintenance of the private streets or private alleys cannot be modified and the homeowners'/property owners' association or other entity cannot be dissolved without the express consent of the city.
 3. A restrictive covenant for repair and maintenance of the private streets or private alleys shall be recorded at the time of recording the plat which said covenant shall create a homeowners'/property owners' association or substantially similar entity and make provision for the perpetual maintenance of the private streets or private alleys in accordance with the approved plan as provided for in subsection C1 of this section. Said restrictive covenant shall also provide that the said covenant shall run with the land and that the said covenant cannot be modified and that the homeowners'/property owners' association or other entity cannot be dissolved without the express consent of the city. The said restrictive covenant shall be reviewed and approved by the city attorney prior to certification and signing of the final plat by the city engineer.
 4. The council may, in the reasonable exercise of its discretion, order the owners or the entity responsible for the maintenance of any private streets or private alleys approved in accordance with the provisions of this section to undertake such repair and maintenance activities as it may determine is necessary to protect the public health, safety, or welfare and make such expenditures from the funds reserved therefor as may be required thereby;

Example 4

and the owner or responsible entity shall, as a condition of approval of any such private street, be deemed to have agreed to comply with any such order and to reimburse the city all of its costs, including attorney fees, incurred in obtaining or enforcing any such order. Any order entered by the council pursuant to this subsection may be enforced by a court of competent jurisdiction and the city shall be entitled to recover its costs and attorney fees incurred in connection therewith.

- D. **Conformity To Comprehensive Plan:** All private streets and private alleys shall, in all respects, conform to all applicable components of the comprehensive plan.
- E. **Waiver:** The council may waive or modify any of the standards or requirements of this section when the private streets or private alleys have been determined to be an integral element of the overall plan and scheme of the development or will serve to enhance the overall development; provided, however, that any such waiver shall not be injurious to public health or safety.
- **Eagle City Code Section 9-4-1-6: Pedestrian/Bicycle Pathway and Sidewalk Regulations:**
 - A. **Intent:** The placement of pathways is intended to encourage nonmotorized forms of travel, and to provide safe, convenient and aesthetic alternative travel routes to common destinations such as schools, parks, shopping centers, etc. The following factors will be considered in the placement of any pathway: the utility and need for a given pathway, impacts to existing neighborhoods, compliance with the comprehensive plan and trails and pathways master plan pathway design as it relates to both crime prevention and function, and the responsibilities of ownership, maintenance, and liability.
 - B. **Location:**
 - 1. The city shall require the creation and maintenance of pathways (except in cases where it is shown to be inappropriate), that provide access to adjacent:
 - a. Schools;
 - b. Public parks;
 - c. Adopted pathway elements within the comprehensive plan trails and pathways master plan;
 - d. Neighborhoods;
 - e. Shopping areas;
 - f. Public lands;
 - g. Transportation or other community facilities, and vacant parcels, held either publicly or privately which could provide future neighborhood connection(s) to the above noted sites; and
 - h. In similar cases where deemed appropriate.
 - 2. In addition, pathways may be required to connect sites other than those noted above:
 - a. When there is evidence that a pedestrian/cyclist would otherwise be forced to travel alongside a designated arterial roadway, or other roadway that may be hazardous for nonmotorized forms of travel, in order to reach the desired destination, or
 - b. When the pedestrian/cyclist would otherwise have to travel a distance of more than one-half (1/2) mile alongside a local or collector roadway in order to reach the desired destination.

Example 4

- Eagle City Code Section 9-5-4: Planned Unit Development Subdivisions:

A planned unit development is a mechanism by which the City may permit a variety in type, design, and arrangement of structures; and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety and welfare. A planned unit development allows for innovations and special features in site development, including the location of structures, conservation of natural land features, conservation of energy and efficient utilization of open space. Large scale developments as defined herein shall be submitted as planned unit developments.

- Eagle City Code Section 9-5-7: Subdivision within a Floodplain:

In addition to the provisions of this title, any subdivision within the designated floodplain of the City shall comply with all applicable provisions of the floodplain regulations of the City as now in effect or as may hereafter be amended.

- Eagle City Code Section 9-5-8: Subdivision within an Area of Critical Concern:

B. Designation Of Areas Of Critical Concern: Hazardous or unique areas may be designated as areas of critical concern by the city council or by the state of Idaho. Special consideration shall be given to any proposed development within an area of critical concern to assure that the development is necessary and desirable and in the public interest in view of the existing unique conditions. Hazardous or unique areas that may be designated as areas of critical concern are as follows:

1. Earthquake location;
2. Unstable soils;
3. Unique animal life;
4. Unique plant life;
5. Scenic areas;
6. Historical significance;
7. Floodplain;
8. Center city;
9. Areas within the area of city impact 1 , but outside city boundaries; and
10. Other areas of critical concern.

- B. Environmental Assessment Plan: The developer shall prepare and submit an environmental assessment along with the preliminary plat application for any development that is proposed within an area of critical concern.

The contents of the environmental assessment shall be prepared by an interdisciplinary team of professionals that shall provide answers to the following questions:

1. What changes will occur to the area of environmental concern as a result of the proposed development?
2. What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
3. What changes in the area of environmental concern are unavoidable?
4. What beneficial or detrimental effect would the development have on the environment including, but not limited to, animal life, plant life, social concerns, economic, noise, visual, available farmland and other?

Example 4

C. Areas Of Critical Concern: The following areas are specifically identified as areas of critical concern:

1. Boise River Floodplain: The Boise River floodplain and certain intervening and immediately adjacent areas are designated as areas of critical concern due to their ecological and scenic significance. This area comprises the two (2) channels of the Boise River and intervening and immediately adjacent areas, as depicted on the land use designation map of the most recently adopted comprehensive plan, as a "special area", including that portion in the Eagle impact area.

D. FLOOD CONTROL CODE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

- Eagle City Code Section 10-1-2: Objectives and Methods of Reducing Flood Losses:

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in flood heights, velocities, or erosion;
- B. Requiring that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;
- C. Preserve and restore natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging and other development which may increase flood damage or erosion; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

- Eagle City Code Section 10-1-4: Compliance with Provisions:

No structure or land shall hereafter be constructed, located, extended, converted, developed, or altered without full compliance with the terms of this chapter and other applicable regulations.

- Eagle City Code Section 10-1-5: Rules and Definitions:

BASE FLOOD ELEVATION (BFE): A determination by the federal insurance administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a federal, state, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the freeboard, establishes the flood protection elevation.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

CRAWL SPACE: The area of a house or structure between the lowest finish floor and the bottom of the foundation excavation enclosed by continuous foundation walls.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

Example 4

DEVELOPMENT ACTIVITY: Any activity defined as development which will necessitate a floodplain development permit; such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees.

FINISHED FLOOR: The finished floor is the first habitable walking surface referenced in the elevation certificate (FEMA form 81-31 sections C2a and C2b) as the top of the next highest floor or the top of a slab on grade floor.

FLOOD PROTECTION ELEVATION (FPE): The base flood elevation plus the freeboard.

A. In special flood hazard areas where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet (2') of freeboard

FLOODWAY: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

LETTER OF MAP CHANGE (LOMC): An official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps, and flood insurance studies. LOMCs are issued in the following categories:

C. **LETTER OF MAP REVISION BASED ON FILL (LOMR-F):** FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

RIPARIAN ZONE: That area along the banks of any waterway twenty five feet (25') in width measured landward from the mean high water mark.

- Eagle City Code Section 10-1-8-6: Specific Standards

In all cases of special flood hazards where the base flood elevation (BFE) data has been provided as set forth in section 10-1-6 of this chapter, the provisions of this section shall be required:

A. Residential Construction:

1. Connection to a central sewage treatment system shall be required. This requirement may be waived by the City Council if the Central District Health Department recommends approval of an alternate method of sewage treatment and disposal. Residential development within the floodplain may be clustered (through approval of a PUD) to facilitate the economics of the sewage infrastructure.
2. New construction and substantial improvement of any residential structure (including manufactured homes) shall have a finish floor elevated no lower than the flood protection elevation, as defined in section 10-1-5, and the lowest floor, including basement and crawl space, shall be elevated to a minimum of one foot (1') above the base flood elevation.

Example 4

3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required flood openings shall be no higher than one foot (1') above the interior or exterior adjacent grade.
 - e. Flood openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - f. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

E. DISCUSSION:

- The applicant has submitted a request to amend the Comprehensive Plan Land Use Map to redesignate the subject property from “Estate Residential” to “Neighborhood” in support of a concurrent request to rezone the site to R-2-DA (Residential with Development Agreement). The “Estate Residential” designation is intended to function as a transitional land use between agricultural and urban development, with densities ranging from 1 unit per 5 acres to 1 unit per 2 acres and encourages small-scale agriculture and horticulture. This designation also anticipates that development intensity may be limited due to infrastructure and roadway constraints.

The “Neighborhood” designation, by contrast, is intended to support more conventional single-family residential development with densities ranging from 2 to 4 dwelling units per acre (du/ac). The applicant’s narrative, dated June 13, 2025, emphasizes that the requested zoning designation of R-2-DA allows flexibility to respond to site constraints while implementing design objectives that support the Comprehensive Plan’s goals for connectivity, open space, and housing diversity.

However, the actual proposed density of the project—based on 50 buildable lots over 45.88 acres—calculates to approximately 1.09-du/ac. This falls below the lowest density range of 2-du/ac associated with the “Neighborhood” land use designation and instead aligns more closely with the City’s “Large Lot Residential” designation, which applies to development densities of 1-unit per acre to 1-unit per 2 acres. The requested Comprehensive Plan land use designation is unnecessary because it supposes a higher density than what is being proposed.

In addition, the subject property is located within the Eagle Island Planning Area, which is guided by a distinct set of policies that emphasize low-density residential development, integrated open space and recreational amenities, and protection of critical environmental features such as wetlands, wildlife habitat, and floodplain areas. While the applicant has proposed preserved open space areas in response to these constraints, the proposed “Neighborhood” designation does not reflect the long-term land use intent for this area as expressed in the Comprehensive Plan.

Example 4

Staff acknowledges that the applicant has articulated several project-specific justifications for the amendment; however, the proposed land use designation appears to exceed the density and intensity envisioned for this area without fully achieving the density threshold associated with the requested designation. Any consideration of this amendment should weigh whether the proposed density and layout meaningfully advance the City's goals for the area and whether the site can or should accommodate such density, given its location within the floodplain and the presence of sensitive environmental features, including wetlands and potential critical habitat areas along the Boise River. Furthermore, a different land use designation—such as Large Lot Residential—more accurately reflects the proposed development pattern and the policies applicable to the Eagle Island Planning Area.

- Regarding private streets, the applicant is requesting a waiver from Eagle City Code Section 9-3-2-1(I), which limits the number of residential lots that may be served by private streets within a Planned Unit Development (PUD) to no more than ten percent (10%) of the total lot count. As proposed, 100% of the lots within the subdivision would be served by a private street network.
- The applicant is also requesting approval for a private gated entry at Hatchery Road, which is the sole vehicular access point to the subdivision. Pursuant to Eagle City Code, private gated access to residential subdivisions must be specifically approved by City Council. If gated access is approved with this application, the final design and configuration of the gate should be reviewed and approved by the Design Review Board and City Council prior to submittal of a final development plan and final plat application.

Gated private streets may present operational challenges for routine services such as trash collection, mail delivery, utility maintenance, and parcel delivery. The applicant has not submitted documentation confirming that service providers – namely Hardin Sanitation and the US Postal Service – have reviewed the access plan and verified that their operational needs can be met. If the gated concept is approved, to avoid future access conflicts and ensure continuity of essential services, the applicant should obtain written confirmation from all applicable service providers (specifically Hardin Sanitation and the US Postal Service, at minimum), verifying that the proposed private street and gated access configuration are acceptable for the agencies' operational needs.

- The applicant is proposing a thirty-two foot (32') wide private street section to serve all residential lots within the subdivision. Pursuant to Eagle City Code Section 9-3-2-1(B)(2), private streets are required to include vertical curbing when the total width of the street section is less than thirty-four feet (34'). As proposed, the street section does not include vertical curbing.

While the applicant's design meets the required travel lane width, the absence of vertical curbing on a 32-foot wide street is a deviation from the standard design criteria. However, Eagle City Code Section 9-3-2-1(E) grants the City Council discretion to approve alternative private street configurations based on the specific use and site context, provided that the design ensures safe, convenient, and effective movement of vehicular and pedestrian traffic.

If the City Council finds that this deviation from private street standards is appropriate, a waiver of Eagle City Code Section 9-3-2-1(B) should be granted with this application, and the design of the private streets within Evian Subdivision should be acceptable as proposed.

- Sewer service is not currently available to the subject property and the site is not annexed into the Eagle Sewer District. The subdivision lies within a future service area identified in the Eagle Sewer District's Master Plan, but public sewer infrastructure must be extended to serve the development. At this time, the applicant has initiated coordination with the Sewer District and has engaged in preliminary discussions with the owner of 4171 Old Valley Road, located directly north of the subject site and the adjacent Boise River, regarding a potential sewer easement to facilitate service. Due to the lack of existing sewer infrastructure on or adjacent to the site, it is likely that a sewer

Example 4

easement across one of more off-site properties will be required to establish service connectivity. While the City does not require that sewer access be obtained from or through a specific location, the route through 4171 Old Valley Road appears to be the most accessible location based on the applicant's preliminary discussions with Eagle Sewer and adjacent property owners, current site constraints, and proximity to existing infrastructure. A recorded sewer easement and confirmation of service capacity should be required prior to submittal of a final development plan and final plat application.

- Boise River Flood Control District #10 (FCD10) has requested that access to the Boise River be maintained for the purposes of flood control inspection, maintenance, and emergency response. In an email dated April 28, 2025, FCD10 staff indicated that large equipment such as tracked excavators and haul trucks are commonly used for flood management projects and debris removal operations, and that continued physical access to the riverbank is essential for their work. The District expressed concern that without a dedicated access route, future development – particularly fencing, landscaping, or private encroachments – could obstruct necessary access to riparian areas and impair flood response capabilities.

The District has noted that shared-use corridors with pedestrian pathways may be compatible with their access needs. FCD10 does not require exclusive access and is open to solutions that serve both recreational and operational purposes. Although it is not the City's request to define the location or dimensions of such access, it is in the City's interest to ensure that flood management agencies retain the ability to maintain and respond to conditions along the river corridor. The applicant should coordinate directly with FCD10 to identify an acceptable access location and provide written confirmation from the District that their access requirements have been met prior to submittal of a final development plan and final plat application.

- The proposed development is located predominately within the Special Flood Hazard Area (SFHA). The design of the subdivision, as currently proposed, raises substantial concerns regarding compliance with the City's floodplain management standards (Eagle City Code Title 10). Approximately 60% of the site – and 80% of the proposed buildable lots – are located within the floodplain associated with the north channel of the Boise River. The compensatory storage calculations submitted by the applicant indicate that partial lot fill is proposed for future pad elevations without full lot elevation or unified drainage design. This introduces uncertain conditions related to compensatory flood storage, the functionality of inter-lot drainage, and the feasibility of future development under floodplain standards. At this stage of review, insufficient information has been provided to confirm whether the proposed design will fully comply with applicable floodplain regulations, including the demonstration of no net loss of flood storage (also referred to as compensatory storage). While the design concept may ultimately prove to be feasible, the ability to achieve the required compensatory storage volumes – given existing topography, hydrology, and site constraints – remains uncertain. Because of the number of variables and site-specific constraints, the current design cannot be confirmed as compliant with the City's floodplain development standards, particularly to those related to no adverse impact, cumulative fill limitations, and minimum finished floor elevation requirements (Eagle City Code Section 10-1-8-6). Staff strongly advises that, should the preliminary plat be approved, it must be conditioned in a manner that ensures strict adherence to all Title 10 requirements, and preserves the City's authority to withhold final plat approval if those standards are not conclusively demonstrated through final engineered plans.

As such, staff has identified this as a critical issue that warrants heightened scrutiny during the review of future final plat submittal(s). If the preliminary plat is approved, subsequent engineering and grading plans must clearly demonstrate compliance with all floodplain development standards, and any deviations from current assumptions may necessitate significant design modifications. Final engineering and grading plans should clearly show that no net loss of flood storage will occur as a result of the proposed development. If the required compensatory storage cannot be achieved as

Example 4

proposed, revised design measures should be required to ensure full compliance. No final plat approval or site development permit should be granted until these standards are met to the satisfaction of the City Engineer and Floodplain Administrator, based on the requirements of Eagle City Code Title 10. If substantial modifications to the site layout are proposed in response to engineering constraints or permitting limitations, the applicant will be required to submit an application for a formal modification to the preliminary development plan and preliminary plat to be reviewed and approved by the City Council, in accordance with Eagle City Code.

- The applicant is pursuing a floodplain development permit that will authorize grading and construction of elevated building pads for each buildable lot; however, the permit will apply only to the specific portions of each lot that are raised above base flood elevation. The remainder of each lot – outside the permitted building pad – will remain within the Special Flood Hazard Area (SFHA) and subject to all applicable floodplain development regulations under Eagle City Code Title 10. As a result, while home construction would be permitted to proceed based on the subdivision-level permit, any future improvements beyond the elevated pad – such as building additions, detached structures, or grading – would require a separate individual floodplain development permit.

This approach does not establish lot-wide compliance and introduces limitations that may not be readily apparent to future property owners. The current grading concept results in partial inundation of buildable lots, with low points and undeveloped areas remaining within the SFHA. Each subsequent permit application would need to demonstrate compliance with all applicable floodplain standards, including minimum finished floor elevation, flood-resistant construction, compensatory storage, and drainage compatibility. The City cannot guarantee that future permits will be approved without design modifications and staff has concerns about the long-term regulatory and administrative burden this approach may place on both the City and individual property owners. Accordingly, to ensure regulatory clarity and to avoid future misinterpretation of development potential, the final plat should include clear delineation of both the area elevated out of the SFHA and the remaining portions of each lot that will continue to require separate floodplain development permits for any future improvements.

- The proposed site contains multiple areas with potential wetlands, and no official delineations have been submitted to date. A preliminary analysis, prepared by Ecosystem Sciences (dated March 14, 2025), identifies several areas classified as “clear,” “probable”, or “likely” wetlands, based on LIDAR, historical imagery, field observations, and professional judgement. Any area that is formally identified as wetlands will be subject to regulation under Section 404 of the Clean Water Act and will require permitting through the U.S. Army Corps of Engineers (USACE), and may require permitting through the Idaho Department of Water Resources (IDWR) and/or the Idaho Department of Environmental Quality (IDEQ). Under both federal and local floodplain development standards (ECC Title 10), wetlands are not to be disturbed unless appropriate mitigation measures are reviewed, permitted, and implemented.

Until an official wetlands delineation is completed and submitted to the City, the full regulatory extent and impact on the proposed site design remains uncertain. If areas currently proposed for development or access are found to contain wetlands, the applicant may be required to modify the site plan to avoid, minimize, or mitigate those impacts. If these changes are substantial, the applicant will be required to submit an application for a preliminary plat modification to be reviewed and approved by the City Council. A formal wetlands delineation report identifying the extent and location of all jurisdictional wetlands on the site should be completed and submitted to the City prior to the submittal of a design review application.

Example 4

PUBLIC HEARING OF THE COMMISSION:

- A. A public hearing on the applications was held before the Planning and Zoning Commission on July 7, 2025, at which time testimony was taken and the public hearing was closed. The Commission made their recommendation at that time.
- B. Oral testimony in favor of the application was presented to the Planning and Zoning Commission by ten (10) individuals who indicated:
- The current owner of the property wants to provide new homeowners the assurance and pride of owning property along the Boise River.
 - There is a noticeable shortage of large lots in the Treasure Valley.
 - This development would help provide home buyers more options and ease the pressure of housing costs.
 - It is exciting to see central services available on Eagle Island.
 - Flooding concerns can be mitigated with the right engineering and design.
 - The proposal is aligned with the City's long-term goals and the unique character of Eagle.
 - Planning staff and engineers can be trusted to design and review the site appropriately as it relates to flood concerns.
 - Living in a floodplain or a heavily trafficked area is the buyer's choice.
- C. Oral testimony in opposition to the application was presented to the Planning and Zoning Commission by eleven (11) individuals who expressed concerns regarding:
- The adequacy, reliability, and long-term quality of centralized water service for the proposed development.
 - Increased risk of flooding to the property and surrounding area, particularly given the area's history of significant flooding events in 2006 and 2017.
 - Traffic congestion and public safety concerns associated with increased vehicular use of Hatchery Road, Linder Road, and Artesian Road.
 - The appropriateness of allowing development within the designated floodplain and potential noncompliance with floodplain regulations.
 - The overall density of the project (50 homes), which was viewed as excessive, incompatible with surrounding rural land uses, and inconsistent with the Large Lot and Estate Residential designations.
 - The cumulative impacts of dense development on rural community character, including effects on open space, tranquility, and lifestyle expectations of existing residents who purchased property in reliance on rural zoning.
 - Potential negative impacts on river quality, water resources, and local wildlife habitat.
 - The future viability of Hatchery Road as an equestrian route, which may be lost if the proposed development proceeds.
 - The need for residential densities not to exceed one dwelling unit per acre to maintain the intent of the Large Lot designation within the Comprehensive Plan.
 - A lack of appropriate transition in density to adjacent properties, especially to the south, where property size is required by Ada County to be a minimum of 5-acres.
 - The necessity for an independent review of the compensatory flood storage report submitted by the applicant.
 - First-hand accounts of significant flooding during the 2017 flood event, which resulted in residential properties partially submerged or inundated by floodwaters.
 - A perceived lack of community support for the project, since the testimony in favor of the application was predominately provided by individuals who are not Eagle residents.

Example 4

D. Oral testimony neither in favor of nor in opposition to the application was presented to the Planning and Zoning Commission by one (1) individual who indicated:

- The Hart Davis Ditch Company has a ditch along the southern boundary of the subject property. A representative from the Ditch Company has tried to contact the applicant to express concerns about the ditch located on the property but has not received a response. The Hart Davis Ditch Company is neutral regarding the proposed application but is concerned that their needs for continued operation and maintenance of the ditch will not be acknowledged.

COMMISSION DELIBERATION:

Upon closing the public hearing, the Commission made a motion based on the information provided by staff and the testimony provided. A summary of the deliberation can be found at the following link (Granicus time: 00:04:00):

<https://eagle-id.granicus.com/player/clip/2105>

COMMISSION DECISION REGARDING THE COMPREHENSIVE PLAN AMENDMENT:

The Commission voted 3 to 0 (McCauley recused, Smith absent) to recommend approval of CPA-2025-04 for a Comprehensive Plan Future Land Use Map Amendment from Estate Residential to Large Lot (instead of Neighborhood Residential, as requested by the applicant).

COMMISSION DECISION REGARDING THE ANNEXATION AND REZONE:

The Commission voted 3 to 0 (McCauley recused, Smith absent) to recommend approval of A-2025-03/RZDA-2025-04 for a rezone upon annexation from RUT (Ada County Designation) to R-2-DA-P (Residential with a development agreement - PUD) with the following staff recommended conditions to be placed within a development agreement, with underlined text to be added by the Commission and strikethrough text to be deleted by the Commission:

- 3.1 The maximum density for the Property shall be ~~4.09~~ 0.98 dwelling units per acre (~~50~~ 45 single-family lots).
- 3.2 Owner will develop the Property subject to the conditions and limitations set forth in this Development Agreement. Further, Owner will submit such applications regarding floodplain development permit review, design review, preliminary and final plat reviews, and/or any conditional use permits, if applicable, and any other applicable applications as may be required by the Eagle City Code, which shall comply with the Eagle City Code, as it exists at the time such applications are made except as otherwise provided within this Agreement.
- 3.3 The Concept Plan (**Exhibit C**) represents the Owner's current concept for completion of the project. As the Concept Plan evolves, the City understands and agrees that certain changes in that concept may occur. If the City determines, in its sole discretion, that any such changes require additional public comment due to potential impacts on surrounding property or the community, a public hearing shall be held on any proposed changes in the Concept Plan and notice shall be provided as may be required by the City.
- 3.4 The conditions, covenants and restrictions (CC&Rs) for the Property shall contain at least the following:
 - (a) An allocation of responsibility for repair and maintenance of all community and privately owned landscaping, pressurized irrigation facilities, and amenities. The owner shall provide an operation and maintenance manual including the funding mechanism as an addendum to the CC&Rs and the repair and maintenance requirement shall run with the land and that the requirement cannot be modified and that the homeowner's association or other entity cannot be dissolved without the express consent of the city.

Example 4

- (b) An allocation of responsibility for repair and maintenance of the pressurized irrigation system and all common landscape areas within the subdivision in a competent and attractive manner, including the watering, mowing, pruning, fertilizing, and caring for grass, shrubs, and trees in perpetuity.
- (c) A maintenance manual for the private streets and secondary emergency fire apparatus road, requiring the association to have the duty to maintain and operate the private streets and emergency fire apparatus road including repair and replacement of asphalt and sidewalks, including provisions for snow removal from the road and secondary emergency fire apparatus road; and the planting and maintenance of the landscape planter islands within the subdivision, in perpetuity.
- (d) A requirement that the homeowner's association work with Veolia Water of Idaho to obtain a contractor for the operation and maintenance of all fire hydrants located adjacent to the private streets. The homeowner's association shall be responsible for forwarding all maintenance and inspection records to the Eagle Fire Department annually.
- (e) A requirement for all fencing located adjacent to open space and corner lots to be open-style such as wrought iron, extruded aluminum (looks identical to wrought iron), or three-rail-type decorative fencing. The open style fencing located adjacent to all common areas shall be wildlife protective style of fencing. All other fencing (ie. cedar fencing, vinyl, chainlink) shall be prohibited.
- (f) A requirement that the 12-foot-wide pond maintenance and pressure irrigation easement located around the irrigation pond shall remain clear of any encroachments.
- (g) A requirement that development (including fencing) within the floodway area is prohibited unless certification by a registered professional hydraulic engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge, and uses within the floodway shall be restricted to those which are required for public necessity.
- (h) A requirement that riparian vegetation and wildlife habitat, if any, along the stream bank and within the required 25-foot-wide setback or riparian zone be maintained.
- (i) A notification to property owners within Evian Subdivision that any development, construction, or land disturbance proposed within the Special Flood Hazard Area (SFHA) on a buildable lot may require an individual floodplain development permit, in accordance with the requirements of Eagle City Code Title 10.
- (j) Owner shall work with the City to establish a Conservation and Education Program (CEP) Funding Plan associated with Evian Subdivision. The CEP Funding Plan shall be executed by the Owner and City prior to the City Clerk signing the final plat.
- (k) A requirement that in the event any of the CC&Rs are less restrictive than any government rules, regulations or ordinances, then the more restrictive government rule, regulation or ordinances shall apply. The CC&Rs are subject to all rules, regulations, laws and ordinances of all applicable government bodies. In the event a governmental rule, regulation, law or ordinance would render a part of the CC&Rs unlawful, then in such event that portion shall be deemed to be amended to comply with the applicable rule, regulation, law or ordinance.

Example 4

- 3.5 Owner shall provide a report or analysis of any proposed changes to wetlands located on the Property and any such change shall be contingent upon approval by the Army Corps of Engineers, Idaho Fish & Game (if applicable), the Idaho Department of Water Resources (if applicable), and any other appropriate government agencies, and shall be in accordance with the Eagle Comprehensive Plan and City Code. Owner agrees all development and improvement of the Property shall comply with rules and regulations pertaining to regulated wetlands prior to submittal of the final development plan/final plat application.
- 3.6 Owner shall provide a detailed arborist report and an existing tree inventory map identifying all existing trees located on site. The report shall identify, at a minimum, species, size, and health of the trees. The arborist report and map shall be provided with the submittal of a design review application. Owner shall provide a narrative indicating which trees will be incorporated into the design of the subdivision and which trees will be removed prior to removal of the trees. No trees shall be removed from the site prior to city approval of a tree removal plan.
- 3.7 Owner shall submit a design review application showing at a minimum: 1) proposed development signage, 2) planting details within the proposed and required landscape islands and all common areas throughout the development, 3) elevation plans for all proposed common area structures and irrigation pump house (if proposed), 4) landscape screening details of the irrigation pump house (if proposed), 5) useable amenities such as picnic tables, covered shelters, benches, gazebos, and/or similar amenities, 6) all proposed fencing throughout the development, and 7) street lights. The design review application shall be reviewed and approved by the Eagle Design Review Board and Eagle City Council prior to the submittal of a final plat application.
- 3.8 A letter of approval shall be provided to the City from the Eagle Sewer District indicating that the property has been annexed into the Eagle Sewer District's service boundaries prior to the submittal of a final plat application. Owner shall comply with all applicable regulations and conditions of the Eagle Sewer District prior to the City Clerk signing the final plat.
- 3.9 Owner shall provide proof of central sewer service to the proposed residential lots prior to the City Clerk signing the final plat.
- 3.10 The owner shall connect the subject property to central water service prior to the City Clerk signing the final plat.
- 3.11 The single-family dwellings shall be constructed in substantial conformance to the styles of architecture as shown in **Exhibit "D"**.
- 3.12 To assure compliance with condition 3.11 herein, the applicant shall create an architectural control committee (ACC) as a component of the development's CC&Rs. Provisions regarding the creation and operating procedures of the ACC shall be included in the CC&Rs and shall be reviewed and approved by the City attorney prior to the approval of the first final plat.
- 3.13 Each building permit application submitted to the City for any structure within the development shall be accompanied by a written approval letter from the Architectural Control Committee. Applications submitted without the required letter of approval shall be deemed incomplete and will not be accepted for processing.
- 3.14 To assure compliance with the conditions of approval herein, the City reserves the right to deny, at its discretion, any building permit application that does not substantially conform to the design requirements as shown on the **Exhibit "D"**. If a building permit is denied, the applicant shall have the right to appeal the decision to the Eagle City Council in accordance with Eagle City Code Section 8-7-4-1.

Example 4

- 3.15 Owner shall provide and construct all pathways and associated easements as identified in the Parks, Pathways, and Recreation Commission Action Letter, dated June 23, 2025 (**Exhibit "E"**). The pathways shall be constructed in accordance with City of Eagle standards. In lieu of immediate construction, the Owner may provide a surety in a form and amount determined in accordance with Eagle City Code Section 9-4-2-2, to guarantee completion of the pathway(s) prior to the City Clerk's signature on the final plat.

The specific location and design of all pathways shall be approved by the Design Review Board and the City Council prior to the submittal of any final plat application. The instrument number(s) of the recorded easement or easements shall be referenced on the face of the final plat.

- 3.16 Owner shall provide secondary emergency access in accordance with the requirements of the Eagle Fire Department. The secondary emergency access agreement shall ensure ingress and egress for emergency vehicles and accommodate the evacuation of residents in the event of an emergency. This agreement shall be recorded and the instrument number shall be referenced on the face of the final plat.
- 3.17 Owner shall comply with all applicable provisions of Title 10 (Flood Control) of the Eagle City Code. Until such time as a Letter of Map Revision Based on Fill (LOMR-F) is approved by the Federal Emergency Management Agency (FEMA), the Owner shall be required to submit a floodplain development permit for any development (as defined in Title 10 of the Eagle City Code) proposed within the Special Flood Hazard Area (SFHA). No development within the SFHA shall commence until the floodplain development permit has been reviewed and approved by the City.

COMMISSION DECISION REGARDING THE CONDITIONAL USE PERMIT, PRELIMINARY DEVELOPMENT PLAN, AND PRELIMINARY PLAT:

The Commission voted 3 to 0 (McCauley recused, Smith absent) to recommend approval of CUP-2025-02/PPUD-2025-02/PP-2025-03 for a conditional use permit, preliminary development plan, and preliminary plat for Evian Subdivision with the following staff recommended site specific conditions of approval and standard conditions of approval, with underlined text to be added by the Commission and strikethrough text to be deleted by the Commission:

SITE SPECIFIC CONDITIONS OF APPROVAL:

1. Comply with all conditions within the development agreement for rezone application RZDA-2025-04.
2. Comply with all requirements of the City Engineer.
3. The applicant shall submit payment to the City for all engineering and legal fees incurred for reviewing this project, prior to the City Clerk signing the final plat and/or upon receipt of an invoice by the City, whichever occurs first.

Example 4

- The developer shall provide shade-class trees (landscape plan to be reviewed and approved by the Design Review Board) along both sides of all streets within this development. Trees shall be placed at the front of each lot generally at each side property line, or as approved by the Design Review Board. The trees shall be located within an eight foot (8') wide landscape strip between the five foot (5') wide concrete sidewalk and the curb. Any and all drainage swales and/or seepage beds shall be placed so as to not interfere with the required placement of street trees. The applicant shall either install the required trees, sod, and irrigation or provide the City with a letter of credit for 150% of the cost of the installation of all landscape and irrigation improvements prior to the City Clerk signing the final plat. Trees shall be installed prior to obtaining any occupancy permits for the homes.

A temporary occupancy may be issued if weather does not permit landscaping. Partial reduction of the surety may be permitted for any portion of the development that is completed, including street trees that have been installed. On-going surety for street trees for all undeveloped portions of the development will be required through project completion.

- Evian Subdivision shall remain under the control of one Homeowners Association.
- The applicant shall provide CC&Rs stating that the Homeowner's Association shall have the duty to maintain the pressurized irrigation system and all common landscape areas within the subdivision in a competent and attractive manner, including the watering, mowing, fertilizing, pruning, and caring for grass, shrubs, and trees in perpetuity.
- All plat notes that are required on the preliminary plat shall be transferred to the final plat prior to submittal of a final development plan/final plat application.
- The applicant shall install one or more 4' x 8' subdivision sign(s) containing information regarding the proposed development. The subdivision sign(s) shall be located along each roadway that is adjacent to the Property. The subdivision sign(s) shall be located on the Property outside of the public right-of-way and remain clearly visible from the roadway. Sign(s) shall be installed prior to issuance of a Notice to Proceed with Construction letter.
- The following minimum setbacks, minimum lot width, and lot coverage requirements shall apply:

Front - Living	30-feet
Front - Garage (Front Load)	38-feet
Rear	30-feet
Interior Side	10-feet (first story) 5-feet (each additional story)
Street Side	20-feet
Maximum Lot Coverage	40%
Minimum Lot Width	75-feet

A minimum 100-foot (100') setback, measured from the edge of the designated floodway, shall be maintained on Lots 21, 22, and 24-36, Block 1.

- There shall be a twenty-five-foot (25') wide riparian zone easement measured landward from the mean high water mark, in which no improvement or development is permitted and riparian vegetation shall be maintained in its natural state for the protection and stabilization of the riverbank. Removal of trees or vegetation within the riparian zone shall be regulated by the City of Eagle and the US Army Corps of Engineers.

Example 4

11. The applicant shall submit a revised preliminary plat which includes a note identifying the lot and block numbers of all buildable lots located within the Special Flood Hazard Area (SFHA) and stating that future modifications or improvements outside the approved elevated pad area will require a separate floodplain development permit. The revised preliminary plat shall also delineate the limits of the area on each applicable lot covered by the subdivision-level floodplain development permit (i.e., the portion elevated out of the SFHA). This note and delineation shall also be shown on the face of the final plat prior to submittal of a final development plan and final plat application.
12. The applicant shall provide documentation of a recorded sewer easement across an off-site property, or other means acceptable to the City Engineer and Eagle Sewer District, sufficient to establish sewer service to the subdivision. The applicant shall also provide written confirmation from the Eagle Sewer District that the proposed method of service is acceptable and that adequate capacity is available to serve the development prior to approval of a final plat and final development plan.
13. The applicant shall coordinate with Boise River Flood Control District #10 and provide written confirmation from the District that an acceptable river access route has been identified to support flood control inspection and maintenance activities. If access is proposed on-site, the final plat shall graphically depict and reflect through a plat note the location and configuration of any required access easement or shared-use corridor. If an off-site access point is proposed, the applicant shall provide documentation demonstrating that an off-site route has been reviewed and accepted by FCD10 as sufficient for their operational needs prior to submittal of a final development plan and final plat application.
14. The applicant shall submit a formal wetlands delineation report identifying the extent and location of all jurisdictional wetlands on the site prior to the submittal of a design review application.
15. The applicant shall comply with the site specific conditions as outlined in the Parks, Pathways, and Recreation Commission action report, dated June 23, 2025. The required pathways and amenities shall be completed with the first phase of development prior to the City Clerk signing the first final plat.
16. The applicant shall provide a license agreement from ACHD approving the landscaping located within the public rights-of-way abutting and within this site prior to approval of a final plat.
17. The applicant shall be required to provide a revised preliminary plat with a plat note that states, "This subdivision is subject to the terms of ACHD License Agreement Instrument No. _____." The revised preliminary plat shall be provided prior to submittal of a final development plan and final plat application.
18. The applicant shall be required to provide a revised preliminary plat with a plat note that states, "A portion of Lot(s) __, Block(s) __, is servient to and contains the ACHD storm water drainage system. The lots are encumbered by the certain first amended master perpetual storm water drainage easement recorded on November 10, 2015, as Instrument No. 2015-013256 within the official records of Ada County, and incorporated herein by this reference as if set forth in full (the "Master Easement"). The Master Easement and the storm water drainage system are dedicated to ACHD pursuant to Section 40-2302 of Idaho Code. The Master Easement is for the operation and maintenance of the storm water drainage system." The revised preliminary plat shall be provided prior to submittal of a final development plan and final plat application.

Example 4

19. The applicant shall provide a revised preliminary plat with plat note #12 revised to state, "Portions of the subdivision are located within a Special Flood Hazard Area (SFHA) as identified on the Flood Insurance Rate Map (FIRM), Panel Numbers 16001C0134J and 16001C0135J, (in effect at this time of final plat approval) and are subject to the regulations of Eagle City Code Title 10, Flood Control. Sheet flooding can and will occur and floods of greater magnitude may inundate areas outside of the identified floodplain and floodway boundary lines" prior to submittal of a final development plan and final plat application.
20. The applicant shall provide a revised preliminary plat with a plat note that states, "Driveways are prohibited across all common lots." The revised preliminary plat shall be submitted prior to submittal of a final development plan and final plat application.
21. The applicant shall provide a revised preliminary plat with a plat note that states, "Each owner within the subdivision that is to be served by the private street is conveyed the perpetual right of ingress and egress over the described private street, that such perpetual easement shall run with the land, and that the restrictive covenant for maintenance of the private street cannot be modified and the homeowner's association or other entity cannot be dissolved without the express consent of the City of Eagle."
22. To allow for the future installation of municipal fiber-optic cable, the applicant shall be required to install municipal fiber-optic conduit lines along all streets in accordance with the City's Fiber Master Plan. The applicant shall conduct a pre-application meeting with the City of Eagle Fiber Department prior to submittal of a final plat application. Upon completion of the installation of the municipal fiber-optic conduit lines, the applicant shall provide GIS coordinates of the locations of the municipal fiber-optic conduit lines. The municipal fiber-optic conduit lines shall be installed, GIS coordinates provided, and the fiber-optic conduit lines shall be dedicated to the City prior to the City Clerk signing the final plat.
23. Basements are prohibited in residential structures located within the Special Flood Hazard Area.

The following conditions of approval (24 – 27) reflect requests made by the applicant for waivers or deviations from standard code requirements, which are subject to City Council approval in accordance with Eagle City Code:

24. **If approved**, a waiver of Eagle City Code Section 9-3-2-1(I) is granted with this application, and all proposed residential lots are permitted to be served by private streets.
25. ~~If private gated access is approved, the final design and configuration of the gate shall be reviewed and approved by the Design Review Board and City Council prior to submittal of a final plat application.~~
26. ~~If the gated concept is approved, to avoid future access conflicts and ensure continuity of essential services, the applicant shall obtain written confirmation from all applicable service providers (specifically, Hardin Sanitation and the US Postal Service, at minimum), verifying that the proposed private street and gated access configuration are acceptable for the agencies' operational needs prior to submittal of a final development plan and final plat application.~~
27. **If approved**, a waiver of Eagle City Code Section 9-3-2-1(B)(2) is granted with this application, and the design of the private streets within Evian Subdivision shall be acceptable as proposed.

The following conditions of approval (28-51) reflect the recommendation made by the City of Eagle Parks, Pathways, and Recreation Commission at the meeting on June 19, 2025:

28. For all alignments in EXHIBIT B shown as NEIGHBORHOOD – 6', the applicant shall provide a six-foot (6') wide asphalt pathway built to approved City standards, at a minimum.

Example 4

29. The applicant shall provide public access easements in favor of the City of Eagle for all alignments in EXHIBIT B shown as NEIGHBORHOOD. Public use shall be limited to the pathway tread and connecting facilities and equipment intended for pathway users which may include, but are not limited to, benches, drinking water sources, dog bag dispensers/waste receptacles, and bike repair stations.
30. The applicant shall construct a six-foot (6') wide Neighborhood Pathway within Lots 40 and 57, as depicted in ORANGE on EXHIBIT B, in accordance with the City of Eagle Pathway and Trail Design Standards (Resolution No. 23-19).

A fourteen-foot (14') wide public access easement shall be recorded over each six-foot (6') wide Neighborhood Pathway, providing a minimum four-foot (4') margin on each side of pathway tread. The recorded instrument number shall be referenced on the final plat.
31. The applicant shall construct five-foot (5') wide concrete sidewalks as shown in LIGHT BLUE on EXHIBIT B. These sidewalks shall be constructed in accordance with Eagle City Code Section 9-4-1-7.

A fourteen-foot (14') wide public access easement, measured from the back of curb, shall be required to encompass the entire sidewalk corridor, including the five-foot (5') sidewalk and the eight-foot (8') wide planter strip.
32. The applicant shall construct a five-foot (5') wide sidewalk along the north side of West Hatchery Road, as depicted in PINK on EXHIBIT B, in accordance with Eagle City Code Section 9-4-1-7.
33. All pathways shall be constructed, and a survey depicting the location of each pathway within the easement must be submitted to the City prior to the City Clerk signing the final plat for each phase. If the pathway has not been constructed at the time of final plat mylar signature, a surety may be provided in accordance with Eagle City Code Section 9-4-2-2; however, the applicant shall still survey the pathway location, record the associated easement, and provide the recorded instrument number to the City upon completion of the pathway. The surety shall not be released until the pathway has been constructed in accordance with City standards and the aforementioned documentation has been submitted to the City.
34. All development shall comply with all applicable provisions of Title 10, Flood Control, of the Eagle City Code. A floodplain development permit shall be obtained prior to the commencement of any development within the floodplain.
35. The applicant shall provide dog waste bag dispensers/waste receptacles (at locations agreed upon by City staff in writing) at the time of a design review application submittal.
36. Curb ramps shall be provided where sidewalks and pathways meet streets, alleys, or other curb cuts, or where they are permitted by ACHD.
37. The intersections of pathways, sidewalks, and trails shall have a minimum radius of eight feet (8') to eliminate sharp turns or blind corners.
38. Public trails and pathways that are anticipated to connect to an adjacent trail or pathway in the future shall employ a cul-de-sac design at its terminus, as is described in detail in the CITY OF EAGLE TRAIL AND PATHWAY DESIGN AND CONSTRUCTION STANDARDS. The public access easement shall extend to the parcel boundary and allow possible connection to adjacent development and allow the City, or City authorized parties, and adjacent developers, to make alterations within the easement. Such alterations to elements include, but are not limited to, connection to other trails and pathways, landscaping, fencing, irrigation equipment, and signage.

Example 4

39. If trails or pathways are to be maintained by the City, the applicant shall provide maintenance access easements 25-feet in width in favor of the City of Eagle, with a minimum four-foot (4') margin on each side of the pathway tread within any part of the easement where possible for all alignments shown as "REGIONAL" and "COMMUNITY". These easements shall not limit the developer in landscape design beyond the standards established in the trail and pathway standards and Title 9. Staging and vehicle access locations shall be determined and included in the maintenance agreement and related easements.
40. Easement provision language shall include the following: "The City of Eagle may construct, connect, or continue within these easements, public pathways as part of future system expansion, and may authorize staff, contractors, or neighboring developers to facilitate such improvements within these easements from any boundary to another public pathway easement or easements, or to parcels included in any public access agreement."
41. The applicant shall be permitted to obtain easements for pathway and/or trail construction that is outside of the current project footprint as long as the integrity of the existing pathway and trail network would not be compromised by any proposed additions and necessary realignments, as is determined by City staff.
42. Public access easement agreements and an associated survey (that depicts the location of each pathway or trail located within the easement) shall be submitted to the City prior to the City Clerk signing the final plat associated with the first phase of the development.
43. Pathways and trails shall be constructed and a survey that depicts the location of each pathway or trail located within the easement shall be submitted to the City, or a surety shall be provided, prior to the City Clerk signing the final plat for each phase of development.
44. The applicant and future homeowners' association shall provide maintenance of all pathways, in perpetuity.
45. Within all public access easements, the City shall reserve the right to display signage similar to what is shown in Exhibit C below.
46. Maintenance vehicle access (for City maintained trails) is to be provided. Design to be approved by the City in writing prior to the beginning of construction of that portion of the trail.
47. Hammerheads (for maintenance vehicle turnaround) shall be provided for all City maintained trails where only one access is available or where a trail terminates without access to a public roadway.
48. Material staging areas for large maintenance projects shall be designed and documented, and available for use within 30-days of written notice provided by the City, for any pathway that will be maintained by the City.
49. Signage, including the physical form, materials, placement, and message, that the applicant or HOA wishes to display within public access easement(s) must be approved in writing by the City.
50. The applicant shall provide and construct, in accordance with the provisions of Eagle City Code and Resolution 23-19, a minimum ten foot (10') wide asphalt pathway which extends continuously to the eastern and western boundaries of the Property, to ensure future connectivity with adjacent properties and to support a comprehensive regional pathway system. The specific location and design of the pathway shall be reviewed and approved by the City of Eagle Parks, Pathways, Recreation Commission and City Council prior to the submittal of a Design Review application.

The asphalt pathway shall be located in a recorded easement or easements dedicated to and accepted by Eagle as provided in Eagle City Code Section 9-4-1-6(D). The instrument number of the recorded easement or easements shall be referenced on the face of the plat, upon recordation of the final plat(s) wherein the pathway is located. No development shall be permitted within the designated Floodway.

Example 4

51. In conjunction with site specific condition of approval #50 herein, the applicant shall contact the Idaho Department of Parks and Recreation (IDPR) staff responsible for Eagle Island State Park and make a good faith effort to coordinate the identification of a feasible location of a future ten foot (10') wide regional pathway that connects Evian Subdivision and Eagle Island State Park. The applicant shall provide written documentation of such coordination efforts, including correspondence, meeting notes, and any identified potential connection points, to City staff prior to submittal of a Design Review application.

If a mutually agreeable connection point is identified, the applicant shall submit a revised preliminary plat depicting the location, width, and tread of the proposed pathway prior to submittal of a Design Review application. Nothing in this condition shall be interpreted to require the applicant to obtain easement rights over land not under their control, nor shall it obligate IDPR to accept a connection. However, the applicant must demonstrate to the City that reasonable steps were taken to evaluate and facilitate the opportunity for a future greenbelt connection.

NOTE: In the event a Standard Condition of Approval conflicts with a Site Specific Condition of Approval contained herein the Site Specific Condition of Approval shall control.

STANDARD CONDITIONS OF APPROVAL:

1. The applicant shall comply with all requirements of the Ada County Highway District and/or the Idaho Transportation Department, including but not limited to approval of the drainage system, curbs, gutters, streets and sidewalks.
2. Correct street names, as approved by the Ada County Street Name Committee, shall be placed on the plat prior to the City Engineer signing the final plat.
3. Complete water and sewer system construction plans shall be reviewed and approved by the City Engineer. Required improvements shall include, but not be limited to, extending all utilities to the platted property. The developer may submit a letter in lieu of plans explaining why plans may not be necessary.
4. Idaho Department of Health & Welfare approval of the sewer and water facilities is required prior to the City Engineer signing the final plat (I.C. Title 50, Chapter 13 and I.C. 39-118).
5. Written approval of all well water for any shared or commercial well shall be obtained from the Idaho Department of Water Resources prior to the City Engineer signing the final plat.
6. Unless septic tanks are permitted, wet line sewers will be required and the applicant will be required to furnish the City Engineer with a letter from the sewer entity serving the property, accepting the project for service, prior to the City Engineer signing the final plat.
7. All homes being constructed with individual septic systems shall have the septic systems placed on the street side of the home or shall have their sewer drainage system designed with a stub at the house front to allow for future connection to a public sewer system.
8. Per Idaho Code, Section 31-3805, concerning irrigation rights, transfer and disclosure, the water rights appurtenant to the lands in said subdivision which are within the irrigation entity will be transferred from said lands by the owner thereof; or the subdivider shall provide for underground title or other like satisfactory underground conduit to permit the delivery of water to those landowners within the subdivision who are also within the irrigation entity.

See Eagle City Code Section 9-4-1-9(C) which provides overriding and additional specific criteria for pressurized irrigation facilities.

Plans showing the delivery system must be approved by a registered professional engineer and shall be approved by the City Engineer prior to the City Engineer signing the final plat.

Example 4

9. The applicant shall submit a letter from the appropriate drainage entity approving the drainage system and/or accepting said drainage; or submit a letter from a registered professional engineer certifying that all drainage shall be retained on-site prior to the City Engineer signing the final plat. A copy of the construction drawing(s) shall be submitted with the letter.
10. Drainage system plans shall be submitted to the City Engineer for review and approval prior to the City Engineer signing the final plat. The plans shall show how swales, or drain piping, will be developed in the drainage easements. The approved drainage system shall be constructed, or a surety shall be submitted to the City Clerk, prior to the City Engineer signing the final plat. The CC&R's shall contain clauses to be reviewed and approved by the City Engineer and City Attorney, prior to the City Engineer signing the final plat, requiring that lots be so graded that all runoff runs either over the curb, or to the drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.
11. No ditch, pipe or other structure, or canal, or drain, for irrigation water or irrigation wastewater owned by an organized irrigation district, canal company, ditch association, drainage district, drainage entity, or other irrigation entity, shall be obstructed, routed, covered or changed in any way unless such obstruction, rerouting, covering or changing has first been approved in writing by the entity. A Registered Engineer shall certify that any ditch rerouting, piping, covering or otherwise changing the existing irrigation or waste ditch (1) has been made in such a manner that the flow of water will not be impeded or increased beyond carrying capacity of the downstream ditch; (2) will not otherwise injure any person or persons using or interested in such ditch or their property; and (3) satisfied the Idaho Standards for Public Works Construction. A copy of such written approval and certification shall be filed with the construction drawing and submitted to the City Engineer prior to the City Engineer signing the final plat.
12. Encroachments including, but not limited to, landscaping, fencing, lighting, and/or pathways shall not be located within any easement or right-of-way for any ditch, pipe or other structure, or canal, or drain, used for irrigation water or irrigation waste water without the express written approval of the organized irrigation district, canal company, ditch association, drainage district, drainage entity or other irrigation entity associated with such ditch, pipe or other structure, drainage or canal. The applicant shall submit a copy of the written approval from the irrigation entity, drainage district, or drainage entity prior to the City Clerk signing the final plat.
13. Street light plans shall be submitted and approved as to the location, height and wattage to the City Engineer prior to the City Engineer signing the final plat. All construction shall comply with the City's specifications and standards.

The applicant shall delineate on the face of the final plat an easement, acceptable to the City Engineer, for the purpose of installing and maintaining street light fixtures, conduit and wiring lying outside any dedicated public right-of-way, prior to the City Engineer signing the final plat. Whether located inside or outside of the public right-of-way the perpetual maintenance of the street lights shall be the responsibility of the applicant, subdivider, business owner, homeowner, or homeowner's/business owner's association, whichever the case may be.

The applicant shall pay applicable street light inspection fees on the proposed subdivision prior to signing of the final plat by the Eagle City Engineer.
14. The applicant shall submit cut sheets showing street lighting details for review and approval by the Zoning Administrator prior to the submittal of the final plat. The plans shall show how the streetlights will facilitate the "Dark Sky" concept of lighting.
15. The applicant shall provide utility easements as required by the public utility providing service, and as may be required by the Eagle City Code, prior to the City Engineer signing the final plat.

Example 4

16. An approval letter from the Eagle Fire Department shall be submitted to the City prior to the City Engineer signing the final plat. The letter shall include the following comments and minimum requirements, and any other items of concern as may be determined by the Eagle Fire Department officials:
 - a. The applicant has made arrangements to comply with all requirements of the Fire Department.
 - b. The proposed fire hydrant locations shall be reviewed and be approved in writing by the Eagle Fire Department prior to the City Engineer signing the final plat.
 - c. Minimum flow per hydrant shall be 1,000 gallons per minute for one and two family dwellings, 1,500 gallons per minute for dwellings having a fire area in excess of 3,600 square feet, and 1,500 gallons per minute (i.e.; Commercial, Industrial, Schools, etc.). Flow rates shall be inspected in accordance with all agencies having jurisdiction, and shall be verified in writing by the Eagle Fire Department prior to issuance of any building permits.
 - d. The proposed fire protection system shall be reviewed and approved by the Eagle Fire Department prior to issuance of a building permit.
17. Covenants, homeowner's association by-laws or other similar deed restrictions, acceptable to the Eagle City Attorney which provide for the use, control and mutual maintenance of all common areas, storage facilities, recreational facilities, street lights or open spaces shall be reviewed and approved by the Eagle City Attorney prior to the City Engineer signing the final plat.

A restrictive covenant must be recorded and a note on the face of the final plat is required, providing for mutual maintenance and access easements.

Appropriate papers describing decision-making procedures relating to the maintenance of structures, grounds and parking areas shall be reviewed and approved by the Eagle City Attorney prior to the City Engineer signing the final plat.
18. Should the homeowner's association be responsible for the operation and maintenance of the storm drainage facilities, the covenants and restrictions, homeowner's association by-laws or other similar deed restrictions acceptable to the Eagle City Attorney shall be reviewed and approved by the Eagle City Attorney prior to the City Engineer signing the final plat.
19. The applicant shall submit an application for Design Review, and shall obtain approval for all required landscaping, common area and subdivision signage prior to the City Engineer signing the final plat.
20. Any recreation area, greenbelt area or pathway area along the Boise River, Dry Creek or any other area designated by the City Council or Eagle Parks, Pathways and Recreation Commission for a path or walkway shall be approved in writing by the Eagle City Parks, Pathways and Recreation Commission prior to approval of the final plat by the City Council.
21. The applicant shall comply with the provisions of the Eagle City Code, pertaining to floodplain and river protection regulations prior to the City Engineer signing the final plat.
22. The development shall comply with the Boise River Plan (if applicable) in effect at the time of City Council consideration of the final plat.
23. The applicant shall obtain written approval of the development relative to the effects of the Boise River floodplain (if applicable) from the Corps of Engineers prior to approval of the final plat by the City Engineer.
24. The applicant shall obtain approval of the development relative to its effects on wetlands or other natural waterways (if applicable) from the Corps of Engineers and the Idaho Department of Water Resources and/or any other agency having jurisdiction prior to the City Engineer signing the final plat.

Example 4

25. Conservation, recreation and river access easements (if applicable) shall be approved by the staff and the City Engineer and shall be shown on the final plat prior to issuance of a building permit or Certificate of Occupancy, whichever occurs first.
26. The applicant shall place a note on the face of the plat which states: "Minimum building setback lines shall be in accordance with the applicable zoning and subdivision regulations at the time of issuance of the building permit or as specifically approved and/or required".
27. The Americans with Disabilities Act, Uniform Building Code, Eagle City Code, Eagle Comprehensive Plan, and all applicable County, State and Federal Codes and Regulations shall be complied with. All design and construction shall be in accordance with all applicable City of Eagle Codes unless specifically approved by the Commission and/or Council.
28. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest submits application to the City of Eagle for a change to the planned use of the subject property.
29. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by the Eagle City Code Title 9 "Land Subdivisions" until the final plat has received the approval of the City Council (ECC 9-6-5 [A][2]).
30. After Council approval of the final plat, the applicant may construct any approved improvements before the City Engineer signs the final plat. The applicant shall provide a financial guarantee of performance in the amount of 150% of the total estimated cost for completing any required improvements (see resolution 98-3) prior to the City Engineer signing the final plat. The financial guarantee shall be a Letter of Credit, Certificate of Deposit, cash deposit or certified check.
31. In accordance with Eagle City Code, if a final plat application is not filed within two (2) years following City Council approval the preliminary plat application shall be null and void, unless a time extension is granted by the City Council.
32. Prior to submitting the final plat for recording, the following must provide endorsements or certifications: Owners or dedicators, Registered Land Surveyor, County Engineer, Central District Health Department, Ada County Treasurer, Ada County Highway District Commissioners, City Engineer, and City Clerk.
33. The City's actions on the application does not grant the applicant any appropriation of water or interference with existing water rights. The applicant indemnifies and holds the City harmless for any and all water rights claims in any way associated with this application.
34. The applicant shall take care to locate and protect from damage existing utilities, pipelines and similar structures. Documentation indicating that "Digline" has performed an inspection of the site shall be submitted prior to the issuance of any building permits for the site.
35. Place a note on the final plat which states in general that surrounding land with farm uses and related activities shall be protected pursuant to the Idaho Right to Farm Act.
36. The applicant shall install at the entrance to the subdivision a 4' x 4' plywood or other hard surface sign (mounted on two 4"x 4" posts with the bottom of the sign being a minimum of 3-feet above the ground) noticing the contractors to clean up daily, no loud music, and no dogs off leash.

Example 4

37. Owner shall provide a “Heavy Truck Traffic Plan” to be followed by any vehicle, machinery, or equipment weighing 8,000 pounds or more, as measured by the Gross Vehicle Weight Rating (GVWR). The submitted plan shall:

- Graphically show all proposed designated route(s) in which heavy truck traffic is permitted to utilize.
- State the days and hours in which heavy truck traffic is permitted to utilize the designated route(s).
- Maximize the use of highways and principal arterials while minimizing the use of local residential streets.
- State that compression braking is prohibited everywhere in Ada County.
- Include certification that the Owner understands that they are responsible for continually communicating the approved plan to all sub-contractors and for monitoring compliance.

A Heavy Truck Traffic Plan that corresponds with each phase of development shall be submitted at the time of the submittal of a final plat application.

38. The applicant shall provide a construction site dust control mitigation plan to be reviewed and approved by staff prior to the issuance of a “Notice to Proceed” with construction letter.

CONCLUSIONS:

1. The Commission reviewed the particular facts and circumstances of this proposed Comprehensive Plan Amendment (CPA-2025-04) pursuant to Idaho Code Section 67-6509, the goals and objectives of the 2017 City of Eagle Comprehensive Plan, and Section 11.3.1 “Amendment Process” of the Comprehensive Plan. Based on the information provided and the testimony presented, the Commission concludes that the proposed amendment – changing the Future Land Use Map designation from Estate Residential to Large Lot Residential – is in accordance with the goals and objectives of the Comprehensive Plan and supports the City’s long-term vision for the Eagle Island Planning Area because:

The proposed development includes a maximum density of 0.98-dwelling units per acre, which aligns more closely with the intended range of the Large Lot Residential designation (1 unit per 2 acres to 1 unit per acre) than with the higher-intensity development patterns described within the Neighborhood Residential designation (2-4 units per acre). In addition, the Eagle Island Planning Area within the Comprehensive Plan identifies the provision of central services, such as water and sewer, as a key concern for this part of the City. The applicant has initiated coordination with Veolia Water and the Eagle Sewer District to extend these services to the site, addressing a longstanding infrastructure objective in the area.

The Large Lot Residential designation is consistent with the densities and development patterns envisioned for this portion of the Eagle Island Planning Area. The proposed development fits within this density range and is further conditioned herein to preserve open space within environmentally sensitive areas, including riparian corridors and wetland areas. These requirements are consistent with the Comprehensive Plan’s objectives to guide development away from sensitive areas and ensure that mitigation is required where disturbance cannot be avoided.

Example 4

2. The Commission reviewed the particular facts and circumstances of this proposed rezone upon annexation (A-2025-03/RZDA-2025-04) with regard to Eagle City Code Section 8-7-5 “Action by the Commission and Council”, and based upon the information provided concludes that the proposed rezone upon annexation is in accordance with the City of Eagle Comprehensive Plan and established goals and objectives because:
 - a. The requested zoning designation of R-2-DA-P (Residential with a development agreement – PUD) is consistent with the Comprehensive Plan, contingent upon approval of the associated Comprehensive Plan Amendment. The amendment would change the future land use designation of the subject property from “Estate Residential” to “Large Lot,” which supports residential densities ranging from 1 unit per 2 acres to 1 unit per acre. The proposed density of 0.98-dwelling units per acre (maximum 45 residential units), as limited by the development agreement, is compatible with the density expectations outlined in the Comprehensive Plan for areas designated as Large Lot Residential.
 - b. The information provided from the agencies having jurisdiction over the public facilities needed for this site indicates that adequate public facilities will be provided, as conditioned in the development agreement, to serve all uses allowed on this property under the proposed zone. Specifically, central water service will be provided by Veolia Water and central sewer service will be provided by the Eagle Sewer District, subject to successful annexation into the District and acquisition of necessary off-site easements. The applicant has initiated both the annexation process and the coordination required to secure said easements. The Eagle Fire Department and Ada County Highway District have reviewed the application and submitted written comments outlining conditions of approval necessary to ensure adequate fire protection and compliance with roadway standards. While roads internal to the project are proposed to be private, Hatchery Road, which provides access to the development, is required to meet Ada County Highway District specifications.
 - c. The proposed R-2-DA-P (Residential with a development agreement - PUD) zoning district is compatible with the designated Floodway (north channel of the Boise River) to the north. Development within the designated floodway and floodplain is limited pursuant to Eagle City Code Title 10, which governs development standards in flood-prone areas. The proposed development avoids direct disturbance to the floodway and incorporates design elements that comply with floodplain regulations. In addition, the conditions of development and conditions of approval herein include provisions to ensure compliance with floodplain development regulations and preserve open space adjacent to the river corridor, thereby supporting compatibility with the sensitive environmental conditions to the north;
 - d. The R-2-DA-P (Residential with a development agreement - PUD) zoning district is compatible with the unincorporated residential zoning and land uses to the south, which include both higher-density residential zoning (R6 – Ada County Designation) and rural residential parcels developed at approximately five-acre lot sizes. The subject property is situated between these contrasting land use patterns. With a proposed density of 0.98-dwelling units per acre, the development serves as an appropriate transition between higher-intensity residential uses and the larger-lot rural properties. This intermediate density supports compatibility with both zoning contexts and promotes a balanced land use pattern consistent with the general residential character of the surrounding area;
 - e. The proposed R-2-DA-P (Residential with a development agreement - PUD) zoning district is compatible with the PS (Public/Semi-Public) zoning district and land use to the east, which is developed as Eagle Island State Park. Although different in function, both land uses are low-intensity and non-commercial in nature. The proposed residential density of 0.98-dwelling units per acre is consistent with the intent of the Eagle Island Planning Area within the Comprehensive Plan to maintain lower densities adjacent to designated public spaces;

Example 4

- f. The R-2-DA-P (Residential with a development agreement - PUD) zoning district is compatible with the unincorporated residential zoning and land uses to the west, which are primarily zoned RUT (Rural-Urban Transition – Ada County designation) and include large-lot or rural residential uses within Ada County. Although the proposed density of 0.98-dwelling units per acre is higher than the densities of the adjacent properties to the west, the land use type remains residential in nature. Given the overall low intensity of the proposed development and the similarity in use, this difference in density is not expected to create adverse land use conflicts or functional incompatibilities between the properties;
 - g. The land proposed for rezone is located within a “Hazard Area” and “Special Area” as defined by the Comprehensive Plan, due to the presence of mapped floodplain, designated floodway associated with the Boise River, and potential wetland areas. Development within these sensitive areas is subject to all applicable local, state, and federal regulations. Floodplain development is regulated pursuant to Eagle City Code Title 10, and the applicant is required to comply with all provisions therein, including the condition that all structures be set back a minimum of 100-feet from the floodway boundary. Any disturbance of wetlands must comply with applicable regulations of the U.S. Army Corps of Engineers and shall not occur without proper review and mitigation. Conditions of approval incorporated into the Development Agreement and this decision require compliance with these standards to ensure appropriate protection of environmentally sensitive features; and
 - h. Conditions established through the Development Agreement and Conditional Use Permit are intended to ensure that the proposed development complies with the use allowances and dimensional standards of the R-2 zoning district, thereby preventing the creation of any non-conforming lots, structures, or uses;
 - i. The owner of the property has consented in writing to the annexation into the City of Eagle; and
 - j. The land proposed for rezone is contiguous to Eagle city limits along the eastern property boundary.
3. The Commission reviewed the particular facts and circumstances of this proposed conditional use permit, preliminary development plan, and preliminary plat (CUP-2025-02/PPUD-2025-02/PP-2025-03) and based upon the information provided concludes that the application is in accordance with the City of Eagle Title 9 (Subdivisions) because:
- a. The proposed PUD is in the public interest, advances the general welfare of the community and neighborhood, and will not be detrimental to the economic welfare of the community. The project introduces residential development at a gross density of 0.98-dwelling units per acre, which is consistent with surrounding density patterns and the proposed Large Lot Residential Comprehensive Plan designation. The applicant will bear all costs of development associated with infrastructure development and extension, including water, sewer, and roadway improvements, ensuring no undue burden is placed on the public.
 - b. The development will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity since the lot sizes, minimum setbacks, and other dimensional standards will conform to the R-2 zoning district as implemented by the development agreement, which ensures consistency with surrounding land use.
 - c. The development will not be hazardous or disturbing to existing or future neighborhood uses, since the development is residential in nature and is located adjacent to other residential and public open space areas. The development is not expected to introduce new land use types or intensities that would be incompatible with existing or future neighborhood uses.

Example 4

- d. The development does not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. No commercial or industrial uses are proposed, and residential development is not anticipated to generate impacts beyond those typical of surrounding residential areas.
- e. The development will be adequately served by essential public facilities, including law enforcement by the Eagle Police Department, fire protection by the Eagle Fire District (subject to compliance with Eagle Fire Department conditions of approval), and central sewer and water services, which the applicant will be required to extend at their own cost. Street improvements to Hatchery Road have been conditioned by ACHD, and no deficiencies in other public services have been identified.
- f. The development will not create excessive additional requirements at public cost for public facilities and services, since all infrastructure and utility extensions are to be financed and constructed by the applicant.
- g. The preliminary development plan includes features that exceed typical subdivision standards, including approximately 25% of the site preserved as open space. These features include a central pond and an internal trail network, as well as designated preservation of sensitive environmental features such as floodplain and wetlands, subject to final delineation and compliance with US Army Corps of Engineers and Eagle City Code requirements.
- h. Vehicular access will be provided by a network of internal private roads, with external access via Hatchery Road. ACHD has reviewed the proposal and conditioned necessary frontage improvements. No traffic impact study was required, and no significant off-site transportation impacts have been identified.
- i. The development is not anticipated to result in the destruction or loss of any natural, scenic, or historic features of major importance. Development within the designated floodway is prohibited pursuant to Eagle City Code Title 10, and structures will be set back a minimum of 100-feet from the floodway boundary. Sensitive wetland areas will be preserved unless property mitigated in accordance with applicable federal and local regulations. No other natural, scenic, or historic features of major importance associated with these applications have been identified.
- j. The proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan, as amended. The land use designation within the Comprehensive Plan has been proposed for change to Large Lot Residential, and the density, use type, infrastructure provisions, and open space preservation are aligned with the goals and policies specified for the Eagle Island Planning Area.
- k. The proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of Eagle City Code Title 8. The development agreement in conjunction with the conditions of approval herein ensure that the setbacks, lot sizes, and dimensional standards will be maintained in accordance with Eagle City Code.
- l. The applicant has not requested deviations from underlying zoning dimensional standards, but proposes private roads throughout the site, which is permitted subject to Council approval. This design feature, along with the project's open space and environmental preservation components, supports the PUD as an appropriate tool for regulating land use in this area.

Example 4

In case of large scale development (incorporating eleven (11) or more lots or dwelling units):

- m. Public services shall be provided to the development including, but not limited to, fire protection, police protection, central water, central sewer, road construction, parks and open space, recreation, maintenance, schools and solid waste collection.

The public services that would be provided to the development include the following:

Fire Protection

The Eagle Fire Department will serve the development and has issued conditions of approval that must be satisfied prior to the issuance of any building permits associated with this development.

Police Protection

Law enforcement will be provided by the Eagle Police Department.

Water Service

The applicant is coordinating with Veolia Water for central water connection and will extend service at their own cost.

Sewer

Service will be provided by Eagle Sewer District upon completion of annexation and infrastructure extension.

Road Construction

All internal roads are proposed to be private and will be owned and maintained by the Evian Subdivision Homeowner's Association in perpetuity. ACHD has conditioned the improvement of the frontage along Hatchery Road.

Open Space

Approximately 25% of the site is reserved for open space, including a central pond and trail system.

Maintenance

Maintenance of all private infrastructure and open space areas will be the responsibility of the homeowner's association, as conditioned herein.

Schools

Residential development is expected to be served by West Ada School District.

Solid Waste Collection

Service will be provided by Hardin Sanitation, in accordance with City requirements.

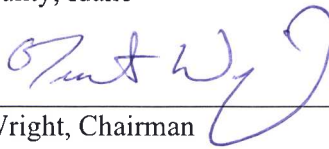
- n. That an estimate of the public service costs to provide adequate service to the development has been provided by the developer.
- o. That an estimate of the tax revenue that will be generated from the development has been provided by the developer.
- p. That suggested public (or private) means of financing the services for the development if the cost for the public services would not be offset by the tax revenue received from the development has been provided by the developer.

Regulatory Takings Analysis Notice: Applicant has the right to request a regulatory takings analysis pursuant to Idaho Code Section 67-8003.

Example 4

DATED this 21st day of July, 2025.

PLANNING AND ZONING COMMISSION
OF THE CITY OF EAGLE
Ada County, Idaho



Trent Wright, Chairman

ATTEST:
 for

Tracy E. Osborn, Eagle City Clerk



BEFORE THE EAGLE PLANNING AND ZONING COMMISSION

**IN THE MATTER OF THE APPLICATIONS)
FOR AN ANNEXATION, REZONE FROM)
RUT [RURAL URBAN TRANSITION – ADA COUNTY)
DESIGNATION] TO R-3-DA-P [RESIDENTIAL)
WITH A DEVELOPMENT AGREEMENT-PUD],)
CONDITIONAL USE PERMIT, PRELIMINARY)
DEVELOPMENT PLAN, AND PRELIMINARY PLAT)
FOR MABURY SUBDIVISION FOR STERLING)
HOMES INC)**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

CASE NUMBER A-2025-05/RZDA-2025-07/CUP-2025-06/PPUD-2025-06/PP-2025-07

The above-entitled annexation, rezone with a development agreement-PUD, conditional use permit, preliminary development plan, and preliminary plat applications came before the Eagle Planning and Zoning Commission for their recommendation on March 16, 2026, at which time public testimony was taken, and the public hearing was closed. The Eagle Planning and Zoning Commission, having heard and taken oral and written testimony, and having duly considered the matter, makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT:

A. PROJECT SUMMARY:

Sterling Homes Inc, represented by David Sterling with Ardurra, is requesting annexation, rezone from RUT (Rural Urban Transition – Ada County designation) to R-3-DA-P (Residential with a development agreement-PUD), conditional use permit, preliminary development plan, and preliminary plat approvals for Mabury Subdivision, a 13-lot (10-buildable, 3-common [2-open areas, 1-shared drive]) residential planned unit development. The 5.13-acre site is located on the south side of West Floating Feather Road, approximately 400 feet east of Park Lane at 1010 North Park Lane.

A. APPLICATION SUBMITTAL:

A Neighborhood Meeting was held at 574 North Park Lane in the parking lot of Eagle High School at 6:00 PM, Wednesday, June 18, 2025. A second Neighborhood Meeting was held at 574 North Park Lane in the parking lot of Eagle High School at 6:00 PM, Tuesday, July 8, 2025, in compliance with the application submittal requirement of Eagle City Code. The applications for this item were received by the City of Eagle on August 14, 2025. A revised preliminary development plan and preliminary plat were received on November 24, 2025. A second revised preliminary development plan and preliminary plat were received on March 10, 2026. The owner of the property has consented in writing to the annexation into the City of Eagle.

C. CONTIGUOUITY TO CITY LIMITS:

The subject property is contiguous to Eagle city limits along the northern, eastern, southern, and a portion of the western property boundary.

Example 5

D. NOTICE OF PUBLIC HEARING:

Notice of Public Hearing on the applications for the Eagle Planning and Zoning Commission was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Eagle City Code on Friday, February 27, 2026. Notice of this public hearing was mailed to property owners in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Eagle City Code on February 24, 2026. The site was posted in accordance with the Eagle City Code on March 2, 2026. Requests for agencies' reviews were transmitted on December 1, 2025, in accordance with the requirements of the Eagle City Code.

E. HISTORY OF RELEVANT PREVIOUS ACTIONS:

No relevant previous actions associated with these applications have been identified.

F. COMPANION APPLICATIONS:

All applications are inclusive herein.

G. APPLICANT'S STATEMENT OF JUSTIFICATION OF A DEVELOPMENT AGREEMENT:

See applicant's justification statement provided in an email to staff dated Monday, March 2, 2026.

H. COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP DESIGNATIONS:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
Existing	Neighborhood Residential with a Transitional Overlay	RUT (Rural-Urban Transition – Ada County designation)	Single-Family Dwelling, Irrigated Agriculture
Proposed	Neighborhood Residential with a Transitional Overlay	R-3-DA-P (Residential with a development agreement-PUD)	Proposed Single-Family Residential Subdivision
North of site	Neighborhood Residential with a Transitional Overlay	R-E (Residential Estate)	Church
South of site	Public/Semi-Public	PS (Public/Semi-Public)	Public High School
East of site	Neighborhood Residential with a Transitional Overlay	R-E-DA (Residential Estate with a development agreement)	Single-Family Dwellings with Accessory Structures
West of site	Neighborhood Residential with a Transitional Overlay	R-3-DA (Residential with a development agreement) and RUT (Rural-Urban Transition – Ada County designation)	Residential Subdivision (Monticello Estates)

Example 5

I. DESIGN REVIEW OVERLAY DISTRICT:

The site is located within the citywide design review overlay district.

J. WILDLAND-URBAN INTERFACE OVERLAY DISTRICT:

The site is not located within the wildland-urban interface overlay district.

K. SITE DATA:

Total Acreage of Site – 5.13

Total Number of Lots – 13

Residential – 10

Commercial – 0

Industrial – 0

Common – 3 [2-open space, 1-private drive]

Total Number of Units – 10

Single-family - 10

Single-family attached - 0

Two-family - 0

Multi-family - 0

Total Acreage of Any Out-Parcels – 0

Additional Site Data	Proposed	Required
Dwelling Units Per Gross Acre	1.95 dwelling units per acre	1.95 dwelling units per acre (as limited within the development agreement)
Minimum Lot Size	12,298-square feet	10,000-square feet minimum
Minimum Lot Width	95-feet	75-feet minimum
Minimum Street Frontage	82-feet	35-feet minimum
Total Acreage of Common Area Open Space	1.21-acres	0.92-acres
Percent of Site as Common Area Open Space	23.59%	18% minimum
Percent of Common Area Open Space as Active Open Space	13.22%	15%

Example 5

L. GENERAL SITE DESIGN FEATURES:

Landscape Screening:

The preliminary plat shows two (2) open space common lots (Lot 2, Block 1, and Lot 2, Block 2). Lot 2, Block 1, consists of 0.61-acres and is located along the northern subdivision boundary, abutting West Floating Feather Road to the north, and extending southward around the westward facing portion of the cul-de-sac at the terminus of North Chase Ridge Place. The lot is proposed to include a 50-foot (50') wide landscape buffer with a 5-foot tall berm, an irrigation pond, and a pressurized irrigation pump station. Lot 2, Block 2, consists of 0.59-acres and is located on the southern boundary of the subdivision, which coincides with the centerline of the McHenry Lateral. The lot contains a 50-foot (50') wide easement from the southern subdivision boundary in favor of Drainage District #2 (DD2) and is proposed to include a picnic area, an ACHD seepage bed, and two natural surface pathways.

Common Area Open Space:

Proposed amenities, which attribute to the subdivision's Active Open Space, include a pergola and picnic area with a bocce ball court overlooking the McHenry lateral and Eagle High School athletic fields. An 8-foot wide (8') natural surface (gravel) Community pathway is proposed along the canal and will be accessed by residents via a 6-foot (6') wide natural surface (gravel) Neighborhood pathway which will traverse the hillside. The irrigation pond in the northerly common lot is located along the North Chase Ridge Place cul-de-sac sidewalk and will be a scenic amenity for residents as well.

Storm Drainage and Flood Control:

Specific drainage system plans are to be submitted to the City Engineer for review and approval prior to the City Engineer signing the final plat. The plans are to show how swales, or drain piping, will be developed in the drainage easements. Also, the CC&Rs are to contain clauses to be reviewed and approved by the City Engineer and City Attorney, requiring that lots be so graded that all runoff runs either over the curb, or to the drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.

Utility and Drainage Easements, and Underground Utilities:

Eagle City Code section 9-3-6 requires utility easements to be not less than 10-feet (10') wide.

Fire Hydrants and Water Mains:

Hydrants are to be located and installed as required by the Eagle Fire District.

On-site Septic System:

No on-site septic systems are proposed for the subdivision.

Preservation of Existing Natural Features:

Staff is not aware of any existing natural features on the site which would be required to be preserved.

Example 5

Preservation of Existing Historical Assets:

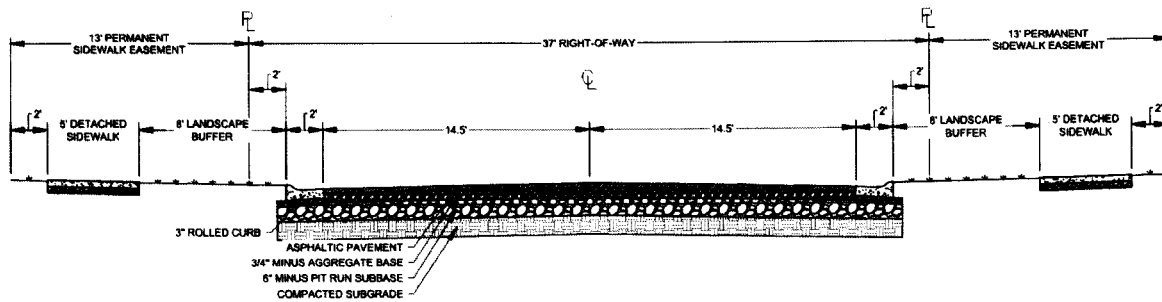
Staff is not aware of any existing historical assets on the site. If any historical artifacts are discovered during excavation or development of the site, state law requires immediate notification to the state.

M. STREET DESIGN:

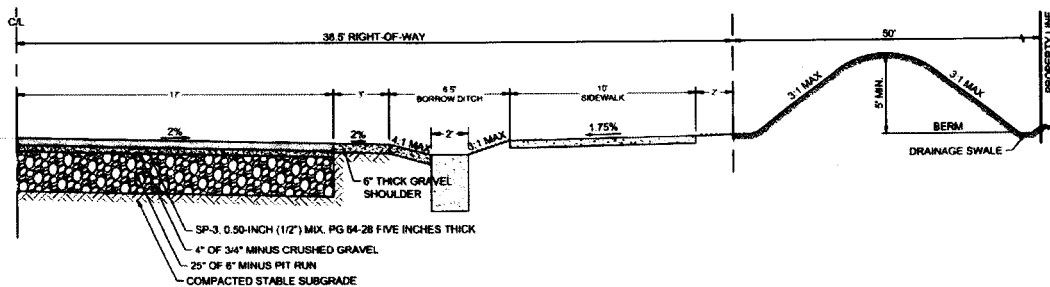
Public Streets:

All streets within Mabury Subdivision are proposed to be public and include West Monticello Street, North Chase Ridge Place, North Chase Ridge Avenue, and West Chase Bluff Street.

The applicant is proposing a 33-foot (33') wide residential street section with rolled curbing. Detached 5-foot (5') wide sidewalks with an 8-foot (8') wide planter strip adjacent to the public streets.



LOCAL RESIDENTIAL STREET SECTION



FLOATING FEATHER HALF STREET SECTION

See the Ada County Highway District staff report, dated January 1, 2026, attached hereto.

Cul-de-sac Design:

One cul-de-sac with a 50-foot radius is proposed at the terminus of North Chase Ridge Place and includes a landscape island with a radius of 10-feet.

Sidewalks:

5-foot (5') wide detached sidewalks are proposed along both sides of all local streets within Mabury Subdivision with an 8-foot (8') wide parkway planter strip, as measured from the edge of the sidewalk to the back of the curb. The applicant is proposing to provide pedestrian ramps on all sides of the intersection at West Monticello Street, North Chase Ridge Place, and North Chase Ridge Avenue.

Curbs and Gutters:

Curbs and gutters which meet Ada County Highway District standards are proposed for the interior streets.

Example 5

Lighting:

Lighting for the proposed public streets is required. Location and lighting specifications incorporating a "Dark Sky" style of lighting shall be provided to the City Zoning Administrator prior to the submittal of the final plat. Any modifications made to the lighting shall be completed before the final plat approval.

Street Names:

Street names should be approved by the Ada County Street Naming Committee prior to submittal of a final plat.

N. ON AND OFF-SITE PEDESTRIAN/BICYCLE CIRCULATION:

Pedestrian Walkways:

An 8-foot (8') wide natural surface (gravel) Community pathway is proposed along the north side of the McHenry Lateral, located within the Drainage District #2 canal easement. Residential access to the pathway will be by a 6-foot (6') wide natural surface (gravel) Neighborhood pathway connection extending from the sidewalk on the south side of the shared drive to the canal pathway.

A 10-foot (10') wide concrete multiuse pathway is proposed along the south side of West Floating Feather Road, however a connection to the pathway from the neighborhood is not proposed. (Also see comments under "Sidewalks" above.)

Bike Paths:

Eagle City Code section 9-4-1-7 states that a bicycle pathway shall be provided in all subdivisions as part of the public right-of-way or separate easement, as may be specified by the City Council. Local streets will be built to ACHD standards.

O. PUBLIC USES PROPOSED:

No public uses are proposed within these applications.

P. PUBLIC USES SHOWN ON FUTURE ACQUISITIONS MAP:

No map currently exists

Q. AVAILABILITY AND ADEQUACY OF UTILITIES AND SERVICES:

The site will be annexed into the Eagle Sewer District, and the developer will install sewer infrastructure within the site to accommodate development. A sewer main line is currently located in West Monticello Street.

Central water services will be provided by Veolia. A water main line is currently located in West Monticello Street.

Emergency services will be available through the Eagle Police Department, which is contracted through Ada County, and the Eagle Fire District. The nearest fire station is approximately 0.9 miles from the site. The site will be accessed from Park Lane and designed with a stub street for future eastward extension of West Chase Ridge Bluff Street.

Stormwater conveyance and facilities will be designed in accordance with City of Eagle and Ada County Highway District requirements.

A traffic impact study has been completed and has been reviewed and approved by the Ada County Highway District and the developer is required to comply with all requirements of the traffic study and the Ada County Highway District.

Example 5

R. SPECIAL ON-SITE FEATURES:

Areas of Critical Environmental Concern – None known

Evidence of Erosion – None known

Fish Habitat – None known

Floodplain – None known

Mature Trees – There are existing trees located along the McHenry Lateral within the DD2 canal easement which are required by DD2 to be removed as a condition of any development within the DD2 canal easement.

Riparian Vegetation – None known

Steep Slopes – The southern portion of the site slopes downwards from the north to the south at roughly 10-foot horizontal to 1-foot vertical (10:1) with approximately 20-feet of total relief.

Stream/Creek – The McHenry Lateral flows from east to west along the southern boundary of the subdivision.

Unique Animal Life – None known

Unique Plant Life – None known

Unstable Soils – None known

Wildlife Habitat – None known

S. SUMMARY OF REVIEW OF ENVIRONMENTAL ASSESSMENT PLAN:

A Natural Features Analysis for the subject site was completed on July 22, 2025, and did not indicate that an environmental assessment plan would be needed for development of the site.

T. AGENCY RESPONSES:

The following agencies have responded and their correspondence is attached. Comments which appear to be of special concern are noted below:

Ada County Highway District

Central District Health

City Engineer: All comments within the engineer's letter dated December 3, 2023, are of special concern (see attached)

Department of Environmental Quality

Drainage District #2

Eagle Fire District

Eagle Sewer District

Idaho Transportation Department

U. RESPONSE FROM THE EAGLE PARKS, PATHWAYS, AND RECREATION COMMISSION:

All comments within the City's action report dated December 18, 2025, are of special concern, attached hereto.

V. LETTERS FROM THE PUBLIC:

Correspondence was received from Craig A. Carnes Jr., dated February 20, 2026 (see attached).

Correspondence was received from Jim and Mary Ann Langan, dated February 20, 2026 (see attached).

W. PROPOSED TIME SCHEDULE FOR THE DEVELOPMENT OF THE SITE:

The applicant has stated in an email to staff, received on December 11, 2025, that the entire project including all improvements will be constructed in one phase and that dates have not been set for start or completion of work.

Example 5

THE PLANNING AND ZONING COMMISSION RECEIVED AND REVIEWED THE FOLLOWING STAFF ANALYSIS PROVIDED WITHIN THE STAFF REPORT AND ADOPTS THE STAFF REPORT AS PART OF THE PLANNING AND ZONING COMMISSION'S FINDINGS OF FACT:

STAFF ANALYSIS:

A. COMPREHENSIVE PLAN PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

The Comprehensive Plan Land Use Map (adopted November 15, 2017), designates this site as the following:

Neighborhood Residential

Suitable for single family residential. Densities range from 2 units per acre to 4 units per acre.

Residential Transition Overlay

Residential development that provides for a transition between land use categories and uses. Commonly requires a transition/change in density, lot sizing, and building scaling with a specific parcel or project. Base densities may be reduced or units may be clustered to increase open space within a portion of a site when property is in this overlay. Neighborhood design will be paramount in this overlay to ensure appropriate transition between uses.

CHAPTER 6: LAND USE

6.4 GENERAL LAND USE GOALS

- **6.4.3 GENERAL LAND USE IMPLEMENTATION STRATEGIES**

- X. Require design treatments to provide compatibility of new development with existing development by considering such issues as transitional lot sizing, building orientation, increased setbacks, height limitations, size restrictions, design requirements, fencing, landscaping or other methods as determined through the development review process.

6.5 PARK LANE PLANNING AREA

- **6.5.1 PARK LANE USES**

- D. The land use for the properties north of Flint Drive and extending north to Floating Feather Road, east of Eagle High School, is Neighborhood Residential with a Residential Transition Overlay. Development in this area should be designed to ensure compatible residential lot sizing (1-acre lots) adjacent to the Colony Subdivision and transition to a density of up to 3 per acre near the high school. The overall density of the area should not exceed 2 units per acre.

- **6.5.3 PARK LANE ACCESS/CONNECTIVITY**

- D. New residential roads in the area east of Eagle High School should provide connectivity to Floating Feather Road to the north, Park Lane to the west, and Breanna Drive to the east.

Example 5

B. ZONING CODE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

The following sections of Eagle City Code, Title 8, which have been found to be of special concern regarding this proposal, include:

8-2-1: DISTRICTS ESTABLISHED, PURPOSES, AND RESTRICTIONS:

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in an R district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. Multi-family and two-family units/developments are prohibited in R-1, R-2, R-3, R-4 and R-5 zoning districts, unless approved as part of a planned unit development (PUD). Centralized water and sewer facilities are required for all subdivision and parcel division applications submitted after the effective date hereof in all districts exceeding one dwelling unit per two (2) acres (R-E). Whenever there is a conflict or difference between the provisions of this section and those of other chapters and/or other titles, the chapter or title with the more restrictive provision shall prevail.

P PLANNED UNIT DEVELOPMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., R-4-P), indicates that the development was approved by the city as a planned unit development. Density transfers may have been permitted as a part of the overall development.

DA DEVELOPMENT AGREEMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement. Specific provisions, as may have been incorporated within the development agreement, are applicable to development within this zoning designation.

Eagle City Code Section 8-2-4: Schedule of Building Height and Lot Area Regulations:

<i>Zoning District</i>	<i>Maximum Height</i>	<i>Minimum Yard Setbacks Note Condition A to E*</i>				<i>Maximum Lot Covered F and J*</i>	<i>Minimum Lot Area (Acres Or Square Feet) H*</i>	<i>Minimum Lot Width I*</i>
		<i>Front</i>	<i>Rear</i>	<i>Interior Side</i>	<i>Street Side</i>			
R-3	35'	30'	25'	7.5'	20'	40%	10,000	75'

B. Additional 5 feet per story side setback is required for multi-story structures. Height not to exceed maximum allowed within the zone.

G. All front load garages shall be set back a minimum of 25 feet from the back of sidewalk.

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

B. Fences:

1. In any front yard area, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and one-half feet (2 1/2') measured from the centerline grade of the adjacent street. Picket style fences where fifty percent (50%) of the fence remains open may be permitted up to four feet (4') in height. Chainlink fencing is prohibited in any front yard area.

Example 5

2. Fencing located adjacent to any street identified as a collector or arterial on the transportation and pathway network plan in the Eagle comprehensive plan, and on the street side of all corner lots, shall be an open fencing style such as wrought iron or other similar see through, decorative, durable fencing material, except as otherwise may be permitted in subsection 8-2A-7J of this title.
3. Chainlink fencing is prohibited in the R (Residential) Zoning District.
4. A permit is required prior to the construction of a fence in any front yard area and along any street within the City subject to the application requirements established in section 8-7-2 of this title.

8-2A-7 (J)(4)(a): LANDSCAPE AND BUFFER AREA REQUIREMENTS:

4. Major Roadways: New residential developments, including, but not limited to, subdivisions and multi-family developments, shall be buffered from streets classified as collectors, arterials, freeways, or expressways, to protect residential communities from noisy, potentially dangerous, high speed roads. The "buffer area" shall be defined as a common lot located between the residential lots within the subdivision and the right of way line of the adjacent roadway. This buffer is required as part of the common area open space owned and maintained by a homeowners association. Any landscaping proposed to be within the public right of way shall not be included as a part of the buffer area required below. The height for berming/fencing, as noted below, shall be measured from the elevation of the final grade of the adjacent roadway (measured at the centerline) to the top of the proposed berming/fencing. The required buffer area width, plantings, and fencing are as follows:
 - a. Any road designated as an urban or rural collector on the transportation and pathway network plan in the Eagle comprehensive plan:

A minimum of thirty five feet (35') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: four (4) shade trees, five (5) evergreen trees, and twenty four (24) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted.

A minimum five foot (5') high, maximum eight foot (8') high, berm, decorative block wall, cultured stone, decorative rock, or similarly designed concrete wall, or combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. If a decorative block wall, cultured stone, decorative rock, or similarly designed concrete wall is to be provided in combination with the berm, a four foot (4') wide flat area shall be provided for the placement of the decorative wall. Chainlink, cedar, and similar high maintenance and/or unsightly fencing shall not be permitted.
 - b. Any road designated as a minor arterial on the master street map typologies map in the Eagle comprehensive plan:

A minimum of fifty feet (50') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: five (5) shade trees, eight (8) evergreen trees, three (3) flowering/ornamental trees, and twenty four (24) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted.

Example 5

A minimum five foot (5') high, maximum eight foot (8') high, berm, decorative block wall, cultured stone, decorative rock, or similarly designed concrete wall, or combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. If a decorative block wall, cultured stone, decorative rock, or similarly designed concrete wall is to be provided, in combination with the berm, a four foot (4') wide flat area shall be provided for the placement of the decorative wall. Chainlink, cedar, and similar high maintenance and/or unsightly fencing shall not be permitted.

Purpose, Goals and Objective:

- A. Purpose: The purpose of this chapter is to establish clear development standards that will achieve the city of Eagle's vision for development as presented in the Eagle comprehensive plan. The standards will be designed to create livable communities that provide exemplary open spaces and recreational opportunities, that encourage a diversification of housing types, styles and living options for a wide range of income levels and lifestyles, and thereby enhance the living experience within the city of Eagle.
- B. Goals: To provide guidance and establish expectations for development within the city of Eagle. The PUD provides clear standards and options for development within the city including lot sizing, open space and the diversification of housing types.
- C. Objective: To guide land development and construction through the planned unit development (PUD) to achieve the following:
 1. A maximum choice of living environments by allowing a variety of housing and building types, lot dimensions, yards, building setbacks and area requirements;
 2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses, office uses and services;
 3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
 4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and
 5. A development pattern in harmony with the objective for land use density, transportation and community facilities as presented in the comprehensive plan. (Ord. 566, 5-15-2007)

8-6-5-5: ARRANGEMENT OF RESIDENTIAL UNITS:

To encourage land use plans to be submitted as a planned unit development (PUD) so as to provide an enhanced integration of open space and a variety of housing options, the following design criteria shall be considered by the city:

- A. All lots within the PUD shall comply with the minimum lot size in the underlying zone as established in section 8-2-4 of this title, except that a decrease in the minimum lot size may be allowed if there is an "offsetting increase" of the same square footage in open space and a favorable finding is made by the council that the smaller lots are appropriately integrated into the overall design and that the building product type is compatible with the PUD and surrounding area.

Example 5

As an incentive to submit a PUD versus a standard subdivision, the initial starting point for minimum open space, prior to any "offsetting increase" being added, shall be the area that is equal to ten percent (10%) of the site. This allowance shall only be permitted under the following criteria:

1. The total common area open space shall be equal to or greater than twenty percent (20%), inclusive of the "offsetting increase" square footage.
2. A favorable finding by the council must be obtained assuring that character, identity and architectural and siting variation are incorporated into the development and that these factors make up a substantial contribution to the objectives of the PUD. These design elements are as follows:
 - a. Landscaping, streetscape, open spaces and plazas, use of existing landscaping, pedestrianway treatment and recreational areas;
 - b. Siting, visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks and building grouping (such as clustering); and
 - c. Design features, street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features and varied use of housing types.
3. Setbacks for modified lots sizes shall conform with the closest compatible base zone under section 8-2-4 of this title.

8-7-3-5: CONDITIONAL USE PERMIT:

- D. Conditions Of Permit: Upon the granting of a conditional use permit, conditions may be attached to said permit including, but not limited to, those:
1. Minimizing adverse impact on other development;
 2. Controlling the sequence and timing of development;
 3. Controlling the duration of development;
 4. Assuring that development is maintained properly;
 5. Designating the exact location and nature of development;
 6. Requiring the provision for on site or off site public facilities or services; and
 7. Requiring more restrictive standards than those generally required in this title.

C. SUBDIVISION CODE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

The following sections of Eagle City Code, Title 9, which have been found to be of special concern regarding this proposal, include:

9-1-6: RULES AND DEFINITIONS:

HILLSIDE SUBDIVISION: Any subdivision, or portion thereof, having an average slope of ten percent (10%) or more.

9-3-10: FENCES:

Any fencing located adjacent to common area open spaces and on the street side of all corner lots shall be an open fencing style such as wrought iron or other similar decorative style, durable fencing material. Specific buffer area fences and decorative walls may be allowed as otherwise required in subsection 8-2A-7J of this code. Chainlink, cedar, and similar high maintenance and/or unsightly fencing shall not be permitted within the above designated areas. A section within the subdivision CC&Rs shall be created for the regulation of fences to this effect.

Example 5

9-4-1-5: STREETLIGHTS:

All subdividers within the city limits shall be required to install, at the subdividers' expense, streetlights in accordance with city specifications and standards at locations designated by the administrator. After inspection and confirmation of installation and operation by the administrator, the subdivider (and subsequent homeowners association) shall assume ownership of the streetlights and shall pay the cost of maintenance and power in perpetuity.

9-4-1-8: UNDERGROUND UTILITIES:

Underground utilities are required.

9-4-1-6: PATHWAY AND TRAIL REGULATIONS:

- A. Intent: The placement of Pathways and Trails are intended for management of motorized and non-motorized forms of use, to provide safe, convenient, and aesthetic alternative travel routes to common destinations such as schools, parks, shopping centers, etc., and to promote economic development and recreation options in areas that allow it. The following factors will be considered in the placement of any Pathway or Trail: the utility, need, and impact to existing neighborhoods; soils and hydrology; erosion potential; impacts to native wildlife habitat; special status plant; wildlife species; cultural resources; compliance with the City of Eagle Comprehensive Plan; compliance with the City of Eagle Pathways and Trails Master Plan; compliance with any approved Open Space, Wildlife Mitigation Plan, or similar document for the development; design as it relates to both crime prevention and function; and the responsibilities of ownership and maintenance.
- B. Pathway and Trail Terms:
1. Pathways: Facilities that are designed to improve connectivity throughout the Pathway system and developments. The term Pathways shall refer to those facilities that are regulated and managed by the City or depicted in the City's Pathways and Trails Master Plan.
 5. Community Pathway: Facilities that are intended to provide routes to and through developments connecting to or providing linkage to regional facilities, arterials and collectors that provide alternative transportation features, or adjacent developments.
 6. Neighborhood Pathways: Facilities that are intended to be integrated into the design of common area open spaces within neighborhoods and provide connectivity on a neighborhood scale.
 7. Tread: the finished usable surface of a pathway or trail:
 - b. Natural Surface: Refers to tread materials made of stone and other natural materials that have been engineered for specific applications such as gravel, and road mix.
- C. Management and Regulations:
3. Pathways within a platted area shall be identified on the plat with a note, creating a public access easement for the pathway.
 4. Details for pavers and rigid permeable composites, used on a pathway, shall be approved by the City.
- D. Pathways:
1. Signage:
 - a. Within public access easement(s) granted to the City; the City shall reserve the right to display signage.

Example 5

- b. The physical form including materials, placement, and messaging of any signage that the developer or HOA wishes to display within the public access easement(s) granted to the City, or signage placed within a five hundred feet (500') of a City-managed pathway with messaging directed to pathway users, must be approved in writing by the City.
 - c. Developer shall add language to the governing documents of the development (i.e. CCR's, charters, bylaws, etc.) that ensures signage will not be placed in any area that would otherwise mislead the public regarding their right to public access of the Pathways.
2. Pet Waste Stations and Trash Receptacles:
- a. For the health and safety of the public, pet waste bag stations and trash receptacles may be required by the City within public access easement(s) granted to the City.
 - b. Shall be maintained by the property owner or the City as determined by the City.
3. Location:
- a. The City shall require general conformity with the City's Pathways and Trails Master Plan, the approved Open Space and Wildlife Mitigation Plan, or similar document for that development. In addition to conformity with the aforementioned plans, consideration shall be given for connectivity to the following facilities:
 - (1) Schools;
 - (2) Park areas and open space;
 - (3) Other pathway and trail facilities, including nearby trailheads;
 - (4) Nearby residential areas;
 - (5) Public land;
 - (6) Public and private transit facilities; and
 - (7) Future subdivision phases.
 - b. Pathways may be required to connect sites other than those noted above when there is evidence that a pedestrian/cyclist would otherwise be forced to travel alongside a designated arterial roadway, or other roadway that may be hazardous for non-motorized forms of travel, in order to reach the desired destination.
 - c. Pathways may be required to connect to locations other than those noted above to adapt to the changing needs of the public or to mitigate bike/pedestrian hazards or safety concerns.
 - d. Where environmental concerns are observed, the Pathway may be redesigned pursuant to the City's approval.
4. Design: The City will be responsible for approving the design of Pathways. While the City may exercise considerable discretion in determining the design of Pathways, the following minimum standards shall be followed:
- a. Those standards adopted by resolution of the City Council titled, "The City of Eagle Pathways and Trails Design and Construction Standards.

Example 5

- b. For all Pathways maintained by the City, a minimum of a four foot (4') wide landscaped area, natural open space, area/building and fence setback, as measured from both edges of the path, shall be required, and will be owned by either the abutting property owner(s) or a homeowners association unless accepted by a public entity. The four foot (4') wide landscaped area on either side of the pathway may be decreased to a minimum of two feet (2') wide (as measured from the edge of the tread to the easement line) when used in conjunction with a meandering pathway. However, the total width of the landscape area shall not be less than eight feet (8') (i.e., two feet (2') on one side of the path and six feet (6') on the other). For safety purposes, planting material in this area is limited to three feet (3') in height. Exceptions may be granted by the City based on site limitations or alternative management guidelines.
 - c. Alternative design(s) may be approved by the City.
5. Classifications:
- b. Community:
 - (1) Shall be eight-foot (8') in width unless otherwise approved by the City.
 - (2) Shall be constructed to the City Pathways and Trails Design and Construction Standards, Idaho Standards for Public Works Construction (ISPWC), or Ada County Highway District (ACHD) Sidewalk Standard as determined by the City.
 - (3) Shall be maintained by the City, HOA, developer, or property owner, as determined by City.
 - (4) Tread surface shall be determined by the City.
 - (5) Shall include a twenty-five foot (25') wide public access easement for City maintained Pathways. All Pathways not dedicated to the City shall have an easement width of a minimum of the tread width plus four feet (4') on each side unless the pathway is located within a public right-of-way, then an easement is not required. The City may grant an exception to the required easement width.
 - c. Neighborhood:
 - (1) Shall be six feet (6') in width unless otherwise approved by the City.
 - (2) Shall be constructed to the City Pathways and Trails Design and Construction Standards, Idaho Standards for Public Works Construction (ISPWC), or Ada County Highway District (ACHD) Sidewalk Standard as determined by the City.
 - (3) Tread surface shall be determined by the City.
 - d. Special Use Pathways:
 - (1) Tread may vary in width depending on the location.
 - (2) No required maximum grade shall be implemented.
 - (3) Tread surface shall be determined by the City.
- G. Waiver: The council may waive or modify any of the standards or requirements of this section upon the determination that the proposed alternative will enhance the overall project; provided, however, that any such waiver shall not be injurious to public health or safety.

Example 5

9-4-1-12: LANDSCAPE BUFFER AREAS:

Landscape buffer areas, in accordance with section 8-2A-7 of this code, shall be required for the protection of residential properties from streets classified as collectors, arterials, freeways/expressways, waterways, railroad rights of way or other features. Subdivision plats shall show the location of all buffer areas. (Ord. 566, 5-15-2007)

9-5-3: HILLSIDE SUBDIVISIONS:

All hillside subdivisions shall be submitted as a Planned Unit Development. (Ord. 858, 10-26-2021)

9-5-3-1: PRESERVATION OF NATURAL FEATURES:

In order to preserve, retain, enhance and promote the existing and future appearance, natural topographic features, qualities and resources of hillsides, special consideration shall be given to the following:

- A. Skyline and ridge tops;
- B. Rolling grassy landforms, including knolls, ridges and meadows;
- C. Tree and shrub masses, grass, wildflowers and topsoil;
- D. Rock outcroppings;
- E. Streambeds, draws and drainage swales, especially where tree and plant formations occur; and
- F. Characteristic vistas and scenic panoramas. (Ord. 566, 5-15-2007)

9-5-3-2: DEVELOPMENT EVALUATION:

- A. All development proposals shall take into account and shall be judged by the way in which land use planning, soil mechanics, engineering geology, hydrology, civil engineering, environmental and civil design, and architectural and landscape design are applied in hillside areas, including, but not limited to:
 - 1. Planning on development to fit the topography, soils, geology, hydrology and other conditions existing on the proposed site;
 - 2. Orientation of development on the site so that grading and other site preparation is kept to an absolute minimum;
 - 3. Shaping of essential grading to blend with natural landforms and to minimize the necessity of padding and/or terracing of building sites;
 - 4. Division of large tracts into smaller workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter-spring runoff period;
 - 5. Completion of paving as rapidly as possible after grading;
 - 6. Allocation of areas not well suited for development because of soil, geology or hydrology limitations for open space and recreation uses;
 - 7. Minimizing and disruption of existing plant and animal life; and
 - 8. Consideration of the view from and of the hills.

Example 5

- B. Areas having soil, geology or hydrology hazards shall not be developed unless it is shown that:
1. Their limitations can be overcome;
 2. Hazard to life or property will not exist;
 3. The safety, use or stability of a public way or drainage channel is not jeopardized; and
 4. The natural environment is not subjected to undue impact. (Ord. 566, 5-15-2007)

9-5-3-3: ENGINEERING PLANS:

The developer shall retain a professional engineer(s) to obtain the following information:

- A. Soils Report: For any proposed hillside development, a soils engineering report shall be submitted with the preliminary plat. This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures and opinions and recommendations covering the adequacy of sites to be developed.
- B. Geology Report: For any proposed hillside development, a geology report shall be submitted with the preliminary plat. This report shall include an adequate description of site geology and an evaluation of the relationship between the proposed development and the underlying geology and recommendations for remedial remedies.

The investigation and subsequent report shall be completed by a professional geologist registered in the state of Idaho.

- C. Hydrology Report: For any proposed hillside development, a hydrology report shall be submitted with the preliminary plat. This report shall include an adequate description of the hydrology, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed. (Ord. 566, 5-15-2007)

9-5-3-4: GRADING PLANS:

The developer shall retain a professional engineer(s) to obtain the following information:

- A. Preliminary Grading Plan: A preliminary grading plan shall be submitted with each hillside preliminary plat proposal and shall include the following information:
1. Approximate limiting dimensions, evaluations or finish contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels and related construction;
 2. Preliminary plans and approximate locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed; and
 3. A description of methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site.
- B. Final Grading Plan: A final grading plan shall be submitted with each final plat and shall include the following information:
1. Limiting dimensions, evaluations or finish contours to be achieved by the grading, including all proposed cut and fill slopes and proposed drainage channels and related construction;

Example 5

2. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed; and
3. A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage together with estimated starting and completion dates. In no event shall the existing natural vegetative ground cover be destroyed, removed or disturbed more than fifteen (15) days prior to grading. (Ord. 566, 5-15-2007; amd. Ord. 858, 10-26-2021)

9-5-3-5: DEVELOPMENT STANDARDS:

A. Soils:

1. Fill areas shall be prepared by removing organic material such as vegetation and rubbish, and any other material which is determined by the soils engineer to be detrimental to proper compaction or otherwise not conducive to stability. No rock or similar irreducible material with a maximum dimension greater than eight inches (8") shall be used as fill material in fills that are intended to provide structural strength.
2. Fills shall be compacted to at least ninety five percent (95%) of maximum density, as determined by AASHTO T99 and ASTM D698.
3. Cut slopes shall be no steeper than two (2) horizontal to one vertical. Subsurface drainage shall be provided as necessary for stability.
4. Fill slopes shall be no steeper than two (2) horizontal to one vertical and shall not be located on natural slopes two to one (2:1) or steeper, or where fill slopes toes out within twelve feet (12') horizontally of the top of an existing or planned cut slope.
5. Tops and toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3') plus one-fifth (1/5) of the height of the cut or fill but need not exceed a horizontal distance of ten feet (10'). Tops and toes of cut and fill slopes shall be set back from structures, including pools and water features, a distance of six feet (6') plus one-fifth (1/5) the height of the cut or fill, but need not exceed ten feet (10').
6. The maximum horizontal distance of disturbed soil surfaces shall not exceed seventy five feet (75').

B. Roadways:

1. Road alignments should follow natural terrain and no unnecessary cuts or fills shall be allowed in order to create additional lots or building sites.
2. One-way streets shall be permitted and encouraged where appropriate for the terrain and where public safety would not be jeopardized. Maximum width shall be seventeen feet (17') between the backs and curbs.
3. The width of the graded section shall extend three feet (3') beyond the curb back or edge of pavement on both the cut and fill sides of the roadway. If sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus one foot (1') beyond the curb back.
4. Standard six inch (6") vertical curb and gutter shall be installed along both sides of all paved roadways.

- C. Driveways And Parkings: Combinations of collective private driveways, cluster parking areas and on street parallel parking bays shall be used to attempt to optimize the objectives of minimum soil disturbance, minimum impervious cover, excellence of design and aesthetic sensitivity. (Ord. 566, 5-15-2007; amd. Ord. 858, 10-26-2021)

Example 5

9-5-3-6: VEGETATION AND REVEGETATION:

- A. The developer shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and the method of disposal, the vegetation to be planted and slope stabilization measures to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effects on slope stability, soil erosion, water quality and fish and wildlife.
- B. Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with perennial vegetal cover after all construction is completed. Efforts shall be made to plant those species that tend to recover from fire damage and do not contribute to a rapid rate of fire spread.
- C. The developer shall be fully responsible for any destruction of native vegetation proposed for retention. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion is filed. The developer shall be responsible for replacing such destroyed vegetation. (Ord. 566, 5-15-2007)

9-5-3-7: MAINTENANCE REQUIRED:

The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved or a building permit granted under the provisions of this title shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means, and other protective devices, plantings and ground cover installed or completed. (Ord. 566, 5-15-2007)

9-5-3-8: UNDERGROUND UTILITIES:

All new service utilities shall be placed underground. (Ord. 566, 5-15-2007)

9-5-3-9: ADDITIONAL PLAT REQUIREMENTS:

- A. All subdivision plats shall identify and designate the tops and toes of cut and fill slopes and the associated structure setback line as required by Section 9-5-3-5 (A)(5).
- B. All subdivision plats shall contain note(s) that warn prospective buyers of property that any modification(s) to the slopes will be required to be permitted under the city of Eagle hillside ordinance.
- C. All subdivision plats shall contain note(s) that refer to the required Vegetation and Maintenance plans required under Section 9-5-3-6 and 9-5-3-7 of this code. (Ord. 858, 10-26-2021)

Eagle City Code Section 9-5-4: PLANNED UNIT DEVELOPMENT SUBDIVISIONS:

A planned unit development is a mechanism by which the City may permit a variety in type, design, and arrangement of structures; and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety and welfare. A planned unit development allows for innovations and special features in site development, including the location of structures, conservation of natural land features, conservation of energy and efficient utilization of open space. Large scale developments as defined herein shall be submitted as planned unit developments.

Example 5

D. DISCUSSION:

- The Future Land Use Map within Chapter 6 of the Eagle Comprehensive Plan shows that the subject site has a Future Land Use Designation of Neighborhood Residential, which is described as suitable for densities of 2 to 4 units per acre, and Residential Transition Overlay, which is described as commonly requiring a transition/change in density, lot sizing, and building scaling. The proposed density for Mabury Subdivision is 1.95 units per gross acre. The adjacent subdivision to the west of the subject site, Monticello Estates, was approved with a zoning of R-3-DA-P and a density of 2.16 units per gross acre. To the east, the adjacent subdivision, Eusterman, was approved as R-E-DA with a density of 0.35 units per gross acre.
- Lot 3, Block 2, which is located adjacent to the south side of the intersection of North Chase Ridge Avenue and West Chase Bluff Street, is proposed to be a common lot which will contain a shared drive for emergency fire apparatus turnaround. The shared drive will also provide driveway access to a maximum of two residential lots (Lot 4, Block 1, and Lot 1, Block 2). For emergency services to utilize the shared drive as a turnaround, it is necessary that the drive remain clear of obstructions. There is a reasonable possibility that residents and guests will utilize the shared drive for parking. The applicant should be required to provide enforcement of no-parking as well as maintenance and operation of the lot to ensure unobstructed access for emergency services. The applicant should be required to include provisions for enforcement of no-parking to be approved by the Design Review Board prior to approval of a design review application.

The responsibility of enforcement and operation of the shared drive should be the duty of the homeowner's association, and a maintenance and enforcement manual should be provided and approved by the City attorney prior to approval of a final plat.

- The City Pressure Irrigation Standards, which are included by reference within Eagle City Code Section 9-4-1-9, require that an easement for pond maintenance be provided a minimum of 30-feet from the top of bank. Lot 2, Block 2, includes an irrigation pond for which a 30-foot perimeter easement would extend approximately 19-feet into the side yard of the adjacent buildable lot (Lot 1, Block 1). The applicant is requesting a waiver of the requirement and for approval of a pond maintenance easement with 12-foot perimeter from top of bank. The applicant has stated in an email to staff, dated March 10, 2026, that 12-feet provides sufficient space for maintenance of the proposed irrigation pond.

If a waiver is not approved, then a condition should be included for Lot 1, Block 1, to have a required minimum interior side setback of 20-feet to ensure development does not encroach into the easement.

- Site Specific Condition of approval #23, which was recommended by the Parks, Pathways, & Recreation Commission on December 18, 2025, states that the applicant shall provide pathway a 10-foot (10') wide concrete Community pathway to connect the residential uses of the subdivision to the 10-foot (10') wide concrete multiuse regional pathway proposed along Floating Feather Road. The applicant is not proposing a pathway connection and is requesting that the condition be removed, stating that the location of the proposed landscape berm and existing and proposed irrigation facilities and pond do not provide enough space for a pathway connection in this location, and that the alternatives, which would be to route the pathway through the landscape berm or northeast between the landscape berm and the side lot line of Lot 3, Block 1, are solutions that are problematic.

Example 5

The proposed 10-foot (10') wide multiuse pathway on the south side of Floating Feather is planned by ACHD to provide a regional route for pedestrians and bicyclists which will serve the community as a recreational amenity as well as an alternate transportation corridor. According to Eagle City Code 9-4-1-6(A), the placement of pathways is intended for management of motorized and non-motorized forms of use, to provide safe, convenient, and aesthetic alternative travel routes to common destinations such as schools, parks, etc.

Eagle City Code 9-4-1-6(D)(3)(a), states that consideration shall also be given for connectivity for facilities such as schools, nearby residential areas, among others. A connection to the regional Floating Feather pathway would provide access to the residents of two subdivisions (Mabury and Monticello Estates). There is currently no alternative connection to the pathway for the residents of these subdivisions. Mabury Subdivision is also located between two of Eagle's largest schools, Eagle Middle School and Eagle High School. Eagle City Code would support the City in requiring the applicant to provide a pathway connection to the Floating Feather pathway.

The applicant should provide an 8-foot (8') wide concrete Community pathway as the connection. In accordance to Eagle City Code 9-4-1-6(D)(4), the City may exercise considerable discretion in determining the design of pathways. For the pathway connection, the applicant could instead be required to install a 6-foot (6') wide concrete Neighborhood pathway because Neighborhood pathways are defined in Eagle City Code 9-4-1-6(B)(6) as facilities intended to provide connectivity on a neighborhood scale. If Council approves the connection to be a 6-foot (6') wide concrete Neighborhood pathway, Site Specific Condition #23, should be revised accordingly.

Without a connection, the Floating Feather pathway cannot be included in the Active Open Space calculation, pursuant to the definition of Active Open Space under Eagle City Code 9-1-6, leaving the subdivision with 13% of the 15% of Active Open Space required by Eagle City Code 9-3-8(D)(1). If the connection is not required, the applicant will need a waiver of the requirement for Active Open Space and Site Specific Condition #6 should be removed, as it is only applicable if the pathway connection is required.

- The proposed development is a Hillside Subdivision as defined in Eagle City Code 9-1-6 because the southern portion of the site contains slopes greater than 10%, and is subject to the requirements in Title 9, Chapter 5, for Special Development Subdivisions. The applicant should be required to place a note on the plat which states that any modification to slopes within the subdivision will require permitting under the city of Eagle hillside ordinance pursuant to Eagle City Code 9-5-3-9(B).

Additionally, Lot 1, Block 2, which is a buildable lot located in the southeastern portion of the site and contains slopes greater than 10%, is contemplated to include a home with a daylight basement. A note should be placed on the plat which states that any development of Lot 1, Block 2, requires the provision of a grading and drainage plan, certified by an engineer licensed in the state of Idaho, upon submittal of an application for a building permit. Pursuant to Eagle City Code 9-5-3-7. The note should also state that the owner of Lot 1, Block 2, shall maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means, and other protective devices, plantings, and ground cover installed or completed, and abide by all requirements of the subdivision's approved Vegetation and Maintenance plan.

Example 5

Lastly, Lot 2, Block 2, is a common lot which will be maintained by the homeowners association and contains slopes greater than 10%. The homeowners association should provide a vegetation and maintenance plan for the subdivision, as required under Eagle City Code 9-5-3-6 and 9-5-3-7, to be approved by the City attorney prior to approval of a final plat. A note which references the Vegetation and Maintenance plan should be required on the final plat prior to the City Clerk signing the final plat in order to comply with Eagle City Code 9-5-3-9(C).

- The applicant is proposing setbacks consistent with the proposed R-3 zone. The proposed minimum lot size is 12,298-square feet which is above the 10,000-square foot minimum lot size within the R-3 zone. The proposed minimum lot width is 95-feet, which is above the 75-foot minimum lot width within the R-3 zone. The detached sidewalks and a portion of the parkway planter strips are proposed to be included within lots and to be protected by easements for public access for sidewalks and for the installation and maintenance of utilities and drainage. Eagle City Code Section 8-2-4(G) requires that all front load garages be set back a minimum of 25-feet from back of sidewalk. To ensure that this requirement is met, a condition should be included which provides the required setbacks for the subdivision. The front setback for a front load garage should be shown as 36-feet (25-feet from back of sidewalk) in order to comply with Eagle City Code 8-2-4(G). Eagle City Code Section 8-2-4(A)(4) allows for a 5-foot reduction to the required front setback for a side entry garage, therefore the front setback for a side entry garage should be 31-feet. The front setback in the R-3 zone is 30-feet, which means that the living area of the residential homes will be set back a minimum of 19-feet from the back of sidewalk.
- The preliminary development plan street light plan shows two proposed streetlights. One is shown at the northwest corner of the intersection of West Monticello Street, North Chase Ridge Place, and North Chase Ridge Avenue, and the other is shown southeast of the intersection of North Chase Ridge Avenue and West Chase Ridge Bluff. The applicant should be required to provide lighting at the location of the cul-de-sac at the terminus of North Chase Ridge Place within Lot 1, Block 2, pursuant to Eagle City Code 9-4-1-5.
- The preliminary development plan existing conditions map shows the site contains an existing well to be abandoned. The well is located within the proposed public utilities and drainage easement on Lot 1, Block 2, of the preliminary plat. Any infrastructure associated with the well should be removed to avoid obstructions within the easement which could impact the installation and maintenance of utilities or any other necessary work within the easement. The applicant should submit a revised preliminary development plan which shows the well as to be abandoned and removed. The applicant should be required to provide evidence of the well's abandonment and removal of any associated infrastructure prior to submittal of a mylar.

Also shown within the existing conditions map are two irrigation ditches, one which will be removed, and another (running parallel to West Floating Feather Road), which is planned to be relocated and piped. The associated gravity irrigation junction boxes, of which there are four, are also shown, however, only three are identified as to remain or to be removed and one is unspecified. The applicant should be required to submit a revised preliminary development plan which identifies all existing structures on the site as to be removed, to remain, or otherwise, prior to submittal of a design review application. The applicant should be required to remove all existing structures, unless identified and approved otherwise, prior to the submittal of a mylar.

Example 5

PUBLIC HEARING OF THE COMMISSION:

- A. A public hearing on these applications was held before the Planning and Zoning Commission on March 16, 2026, at which time testimony was taken and the public hearing was closed. The Commission made their recommendation at that time.
- B. Oral testimony in favor of these applications was presented to the Planning and Zoning Commission by no one (not including the applicant/representative).
- C. Oral testimony in opposition to these applications was presented to the Planning and Zoning Commission by no one.
- D. Oral testimony neither in opposition to nor in favor of these applications was presented to the Planning & Zoning Commission by four (4) individuals who indicated they have the following concerns and questions:
 - The proposed density for Mabury Subdivision to the east of the subject property is higher than that of the existing residential development to the east (Eusterman Subdivision) which consists of two residential lots. The applicant should be required to remove one of the six (6) proposed buildable lots from the eastern property boundary, or from the subdivision altogether, in order to improve the transition in lot sizes between the two adjacent subdivisions.
 - The existing grade of the neighboring Eusterman Subdivision is above the existing grade of subject site by several feet, and therefore the fence, which the applicant is proposing to be 6-feet (6') in height on the boundary between the two subdivisions, will not provide sufficient screening for the current residents of Eusterman Subdivision. The applicant should be required to construct perimeter fencing to be a minimum of 6-feet (6') in height, measured from the existing grade of the existing driveway within the Eusterman Subdivision, otherwise 8-feet (8') of fencing should be installed to ensure that the screening will be tall enough to provide privacy for the current residents of Eusterman Subdivision.
 - The applicant should be prohibited from constructing two-story homes along the eastern property line of Mabury Subdivision to protect the privacy of the residents of Eusterman Subdivision.
 - The existing home on the subject site and the adjacent property to the west share a driveway which runs along the north side of the irrigation canal. There is an existing gate which is utilized to restrict access to the subject site from North Park Lane. It is undetermined within which property the gate is located; however the gate is located within the canal easement in favor of Drainage District #2 (DD2). The applicant is proposing a pathway along the canal, within the DD2 easement, and has not proposed fencing along the section of the west property line which will abut the western terminus of the pathway. A gate or an alternative fencing is needed at this location to prevent unwanted access between the properties. If the gate is determined to be on the subject property, the applicant should not be required to remove the gate. If the City or DD2 require the gate to be removed, the applicant should work with DD2 to ensure that fencing is installed in this location.

Example 5

E. The applicant's representative provided rebuttal in which the following was stated:

- The applicant acknowledged the neighboring property owner's concern regarding the gate along the west property line and expressed willingness to not remove the gate and to work with the City and DD2 to provide alternative fencing in the event that the gate is required to be removed.
- The applicant argued that the 50–70-foot of buffer between the eastern property line of the subject site and the living area of the homes within the Eusterman Subdivision is adequate; however the applicant is amenable to raising the height of the fencing by raising the existing grade along the eastern property boundary of the subject site to the level of the existing grade of the driveway within the Eusterman Subdivision.
- The applicant is unwilling to remove a buildable lot from proposed subdivision in order to decrease the gross density and emphasized the economic difficulty of designing small subdivisions given ACHD right-of-way dedication requirements, open space minimums, and other regulatory constraints. The applicant also expresses that the configuration of open space cannot be altered in order to lower the amount of buildable lots on the eastern boundary without lowering the total number of buildable lots within the subdivision, due to the location of the hillside and DD2 canal easement, the ACHD required 10-foot (10') wide pathway along West Floating Feather Road and the City required 50-foot (50') wide landscape buffer between West Floating Feather Road and the subdivision, as well as the existing gravity irrigation junction box requiring the irrigation pond to be located in the northwest corner of the subject property.
- The applicant expressed that connecting a pathway from the cul-de-sac to the ACHD multi-use pathway at the northwest corner of the site would be difficult due to the existing irrigation junction box and the planned locations of the irrigation pump house and pond and their proximity to the City required landscape berm. The applicant asserts that the ACHD required pathway on West Floating Feather Road is sufficient to activate the space and is accessible to the residents of Mabury Subdivision via the detached sidewalk along local roads through Monticello Subdivision to North Park Lane, which then connects to the pathway on West Floating Feather Road. The applicant also clarified that the waiver request is for a waiver of the active open space requirement which would otherwise be achieved with a direct connection to the future pathway on West Floating Feather Road from Mabury Subdivision.
- The applicant disputed the necessity of a 30-foot (30') wide maintenance easement around the irrigation pond, noting that the nearby irrigation pond within Monticello Subdivision only has approximately 10-foot (10') of space from the top of bank available for maintenance. The applicant also states that in his experience with irrigation pond design, he has never been required to include a 30-foot (30') wide maintenance easement around an irrigation pond.
- The applicant presented a density comparison exhibit demonstrating that subdivisions approved in the surrounding area since Cavallo Estates, which was developed around 2002, have ranged from 1.74 to 2.51 units per acre, with those in proximity to Eagle High School ranging from 2.00 to 2.40 units per acre. The applicant noted that the lower-density subdivisions in the area are larger developments which would allow for more flexibility with the design of the lot configuration in order to meet minimum open space requirements. The applicant concluded that a density of just under 2.00 units per acre is appropriate for the proposal.

Example 5

COMMISSION DELIBERATION:

Upon closing the public hearing, the Commission made a motion based upon the information provided by staff and public testimony. The Commission deliberation can be viewed at the following link (Granicus time: 01:15:18): https://eagle-id.granicus.com/player/clip/2207?view_id=1&redirect=true

COMMISSION DECISION REGARDING THE ANNEXATION AND REZONE:

The Commission voted 4 to 0 (Wright absent) to recommend approval of A-2025-05 & RZDA-2025-07 for a rezone from RUT (Rural Urban Transition – Ada County designation) to R-3-DA-P (Residential with a development agreement-PUD) with the following staff recommended conditions to be placed within a development agreement:

- 3.1 The maximum density for the Property shall be 1.95 dwelling units per acre (10 single-family detached dwellings).
- 3.2 Owner will develop the Property subject to the conditions and limitations set forth in this Development Agreement. Further, Owner will submit such applications regarding floodplain development permit review, design review, preliminary and final plat reviews, and/or any conditional use permits, if applicable, and any other applicable applications as may be required by the Eagle City Code, which shall comply with the Eagle City Code, as it exists at the time such applications are made except as otherwise provided within this Agreement.
- 3.3 Owner shall provide evidence of the abandonment of the existing well located within Lot 2, Block 2, and removal of any associated infrastructure, prior to the issuance of a notice to proceed with construction letter from the City.
- 3.4 All existing structures shall be removed prior to the submittal of a mylar to the City.
- 3.5 The Concept Plan (**Exhibit C**) represents the Owner's current concept for completion of the project. As the Concept Plan evolves, the City understands and agrees that certain changes in that concept may occur. If the City determines that any such changes require additional public comment due to potential impacts on surrounding property or the community, a public hearing shall be held on any proposed changes in the Concept Plan, notice shall be provided as may be required by the City.
- 3.6 The conditions, covenants and restrictions (CC&Rs) for the Property shall contain at least the following:
 - (a) An allocation of responsibility for repair and maintenance of all community and privately owned landscaping, pressurized irrigation facilities, fences shown, and amenities. The owner shall provide an operation and maintenance manual including the funding mechanism as an addendum to the CC&Rs, that the repair and maintenance requirement shall run with the land and cannot be modified, and that the homeowner's association or other entity cannot be dissolved without the express consent of the City. (ECC 8-2A-20 & 9-3-2-5[C][2][c])
 - (b) A requirement that the homeowners association shall have the duty to own and maintain the pressurized irrigation system and all common landscape areas (including landscape islands and parkway planter strips) within the subdivision in a competent and attractive manner, including the watering, mowing, pruning, fertilizing, and caring for grass, shrubs, and trees, in perpetuity. (ECC 9-4-1-9[C][1])

Example 5

- (c) A maintenance manual for the shared drive and emergency fire apparatus turnaround within Lot 3, Block 2, requiring the homeowners association to have the duty to maintain and operate the shared drive to provide for emergency fire apparatus turnaround including repair and replacement of asphalt and sidewalks, including provisions for snow removal and for the enforcement of no-parking and maintenance of unobstructed access for emergency fire apparatus turnaround, in perpetuity.
- (d) A Vegetation and Maintenance plan requiring landowners to maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means, and other protective devices, plantings and ground cover installed or completed, as required by the city of Eagle hillside ordinance for Hillside Subdivisions. (ECC 9-5-3-6 & 9-5-3-7)
- (e) A maintenance manual for the streetlight(s) requiring that the homeowner's association shall have the duty to maintain and operate the light fixtures including the repair and replacement of the fixtures, any associated electrical supply, and light bulbs, in perpetuity.
- (f) A requirement for all fencing to be installed as shown on the Fencing Plan (**Exhibit D**). Any additional fencing located adjacent to open space and corner lots shall be open-style such as wrought iron, extruded aluminum (which looks identical to wrought iron), or three-rail-type decorative fencing; all other fencing (i.e. cedar fencing, vinyl, chainlink) shall be prohibited. (ECC 9-3-10)
- (g) A requirement that the ~~30-foot (30')~~ 12-foot (12') wide pond maintenance and pressure irrigation easement located around the irrigation pond shall remain clear of any encroachments.
- (h) Owner shall work with the City to establish a Conservation and Education Program (CEP) Funding Plan associated with Mabury Subdivision. The CEP Funding Plan shall be executed by the Owner and City prior to the City Clerk signing the final plat.
- (i) A requirement that in the event any of the CC&Rs are less restrictive than any government rules, regulations or ordinances, then the more restrictive government rule, regulation or ordinances shall apply. The CC&Rs are subject to all rules, regulations, laws and ordinances of all applicable government bodies. In the event a governmental rule, regulation, law or ordinance would render a part of the CC&Rs unlawful, then in such event that portion shall be deemed to be amended to comply with the applicable rule, regulation, law or ordinance.

3.7 The single-family dwellings shall be constructed in substantial conformance to the styles of architecture as shown in **Exhibit "D"**.

To assure compliance with this condition, the applicant shall create an architectural control committee (ACC) as a component of the development's CC&Rs. Provisions regarding the creation and operating procedures of the ACC shall be included in the CC&Rs and shall be reviewed and approved by the City attorney prior to the approval of the first final plat.

The submittal of the building permit application to the City for each structure within the development shall be accompanied by an approval letter from the Architectural Control Committee. Building permit applications that do not have an approval letter attached will not be accepted.

To assure compliance with the conditions of approval herein, the City reserves the right to deny, at its discretion, any building permit application that does not substantially conform to the design requirements as shown in **Exhibit "D"**. If a building permit is denied, the applicant shall have the right to appeal the decision to the Eagle City Council in accordance with Eagle City Code Section 8-7-4-1.

Example 5

- 3.8 Owner shall provide and construct all pathways and associated easements as identified in the Parks, Pathways, and Recreation Commission Action Letter, dated December 18, 2025 (**Exhibit "E"**). The pathways shall be constructed in accordance with City of Eagle standards. In lieu of immediate construction, the Owner may provide a surety in a form and amount determined in accordance with Eagle City Code Section 9-4-2-2, to guarantee completion of the pathway(s) prior to the City Clerk's signature on the final plat.

The specific location and design of all pathways shall be approved by the Design Review Board and the City Council prior to the submittal of any final plat application. The instrument number(s) of the recorded easement or easements shall be referenced on the face of the final plat.

- 3.9 Owner shall provide a detailed arborist report and an existing tree inventory map identifying all existing trees located on site. The report shall identify, at a minimum, species, size, and health of the trees. The arborist report and map shall be provided with the submittal of a design review application. Owner shall provide a narrative indicating which trees will be incorporated into the design of the subdivision and which trees will be removed prior to removal of the trees. No trees shall be removed from the site prior to City approval of a tree removal plan.
- 3.10 Owner shall submit a design review application showing at a minimum: 1) proposed development signage, 2) planting details within the proposed and required landscape islands and all common areas throughout the development, 3) elevation plans for all proposed common area structures and irrigation pump house, 4) landscape screening details of the irrigation pump house, 5) useable amenities such as picnic tables, covered shelters, benches, gazebos, and/or similar amenities, 6) all proposed fencing throughout the development, and 7) street lights. The design review application shall be reviewed and approved by the Eagle Design Review Board and Eagle City Council prior to the submittal of a final plat.
- 3.11 A letter of approval shall be provided to the City from the Eagle Sewer District indicating that the property has been annexed into the Eagle Sewer District's service boundaries prior to the submittal of a final plat. Owner shall comply with all applicable regulations and conditions of the Eagle Sewer District prior to the City Clerk signing the final plat.
- 3.12 The owner shall connect the subject property to central water service prior to the City Clerk signing the final plat.

COMMISSION DECISION REGARDING THE PRELIMINARY PLAT:

The Commission voted 4 to 0 (Wright absent) to recommend approval of PPUD-2025-06 & PP-2025-07 preliminary development plan and preliminary plat for Mabury Subdivision with the following staff recommended site specific conditions of approval and standard conditions of approval with underline text to be added by the Commission and strike through text to be deleted by the Commission.

SITE SPECIFIC CONDITIONS OF APPROVAL:

1. Comply with all conditions within the development agreement for rezone application RZDA-2025-07.
2. Comply with all requirements of the City Engineer.
3. The applicant shall submit payment to the City for all engineering and legal fees incurred for reviewing this project, prior to the City Clerk signing the final plat and/or upon receipt of an invoice by the City, whichever occurs first.

Example 5

4. The following minimum setbacks shall apply to the development:

Front (living)	30-feet
Front (front load garage)	36-feet (25-feet from back of sidewalk)
Front (side entry garage)	31-feet
Rear	25-feet
Interior Side	7.5-feet (first story) 5-feet (each additional story)
Street Side	20-feet
Maximum Lot Coverage	40%

5. A note shall be added to the final plat that states that the future owner of Lot 1, Block 2, shall be required to submit an engineered grading and drainage plan to the City at the time of submittal of a building permit. The note shall also state that the owner of Lot 1, Block 2, shall maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means, and other protective devices, plantings, and ground cover installed or completed, and abide by all requirements of the subdivision's approved Vegetation and Maintenance plan.
6. The applicant shall submit a revised preliminary development plan and fencing plan modifying the location of the berm and fence within Lot 2, Block 1, to all for a pathway connection to the future 10-foot (10') wide ACHD multiuse pathway along West Floating Feather Road, at the time of submittal of a design review application.
7. The applicant shall submit a revised preliminary development plan and lighting plan including lighting at the location of the cul-de-sac at the terminus of North Chase Ridge Place, at the time of submittal for design review.
8. The applicant shall provide a revised preliminary development plan with the existing conditions map showing the existing well to be abandoned and all structures on the subject site identified as to be removed, to remain, to be replaced, or otherwise, prior to submittal of a final plat.
9. A note shall be added to the final plat that states that any modification to slopes within the subdivision will require permitting under the city of Eagle hillside ordinance.
10. A note shall be added to the final plat which references the Vegetation and Maintenance plan for the subdivision.
11. A note shall be added to the final plat which states that direct lot access will not be allowed across common lots except for Lot 4, Block 1, and Lot 2, Block 3, which are allowed driveway access by means of the shared drive within Lot 3, Block 3.
12. The developer shall provide shade-class trees (landscape plan to be reviewed and approved by the Design Review Board) along both sides of all streets within this development. Trees shall be placed at the front of each lot generally at each side property line, or as approved by the Design Review Board. The trees shall be located within an 8-foot (8') wide landscape strip between the 5-foot (5') wide concrete sidewalk and the curb. Any and all drainage swales and/or seepage beds shall be placed so as to not interfere with the required placement of street trees. Prior to the City Clerk signing the final plat the applicant shall either install the required trees, sod, and irrigation or provide the City with a letter of credit for 150% of the cost of the installation of all landscape and irrigation improvements. Trees shall be installed prior to obtaining any occupancy permits for the homes. A temporary occupancy may be issued if weather does not permit landscaping. Partial reduction of the surety may be permitted for any portion of the development that is completed, including street trees that have been installed. On-going surety for street trees for all undeveloped portions of the development will be required through project completion.

Example 5

13. All living trees shall be preserved, unless otherwise determined by the Design Review Board and the City Council. A detailed landscape plan showing how the trees will be integrated into the open space areas or private lots (unless approved for removal by the City Council) shall be provided for City Council final approval prior to the submittal of a final plat. Construction fencing shall be installed (pursuant to the Design Review Board's direction) to protect all trees that are to be preserved, prior to the commencement of any construction on the site.
14. The applicant shall provide a license agreement from ACHD approving the landscaping located within the public rights-of-way abutting and within this site prior to approval of a final plat. (ECC 9-4-1-2)
15. The Mabury Subdivision shall remain under the control of one homeowner's association. (ECC 9-3-8[D][4])
16. To allow for the future installation of municipal fiber-optic cable, the applicant shall be required to install municipal fiber-optic conduit lines along all streets in accordance with the City's Fiber Master Plan. The applicant shall conduct a pre-application meeting with the City of Eagle Fiber Department prior to submittal of a final plat. Upon completion of the installation of the municipal fiber-optic conduit lines, the applicant shall provide GIS coordinates of the locations of the municipal fiber-optic conduit lines. The municipal fiber-optic conduit lines shall be installed, GIS coordinates provided, and the fiber-optic conduit lines shall be dedicated to the City prior to the City Clerk signing the final plat.
17. Owner shall place a 4'x8' subdivision sign(s) containing information regarding the proposed development. The subdivision sign(s) shall be located along each roadway that is adjacent to the Property. The subdivision sign(s) shall be located on the Property outside of the public right-of-way and remain clearly visible from the roadway.
18. All plat notes that are required on the preliminary plat shall be transferred to the final plat prior to submittal of a final development plan and/or final plat applications.
19. The applicant shall install a 6-foot (6') tall fence along the eastern property line as measured from the existing grade adjacent to the private driveway to the east, or the existing grade at the edge of the driveway. The height may be achieved with fencing or a combination of fencing, berming, or retaining walls.
20. The applicant shall work with Drainage District #2 to leave intact the existing gate which is located within the Drainage District #2 canal easement and currently restricts access to the subject property from North Park Lane, through the property addressed at 1000 North Park Lane, or to install alternative fencing in the event that the gate is required to be removed, provided that fencing is allowed by Drainage District #2 within the canal easement. The applicant shall provide written approval from Drainage District #2, or, if Drainage District #2 requires removal of the gate, the applicant shall provide a written statement of the requirement for removal from Drainage District #2, prior to the issuance of a building permit.

Example 5

The following conditions of approval have been recommended by the Parks, Pathways, and Recreation Commission:

21. The applicant shall be required to submit a revised preliminary development plan and preliminary plat showing West Chase Ridge Bluff Street and the associated improvements, including the SIDEWALK and parkway planter strips, extending to the property line, as shown on EXHIBIT B of the December 18, 2025, PPRC Action Report, prior to submittal of a final plat application.
22. The applicant shall be required to submit a revised preliminary development plan and preliminary plat showing an 8-foot (8') wide pathway for all alignments shown as "COMMUNITY", with the specified tread surface, as presented on EXHIBIT B of the December 18, 2025, PPRC Action Report, and designed to be built to approved City standards, prior to submittal of a final plat application.
23. The applicant shall be required to provide a revised preliminary development plan and preliminary plat showing pathway easements, with a minimum width of the tread width plus 4-feet (4') on each side, in favor of the City of Eagle, for the purpose of public access, for all alignments on EXHIBIT B of the December 18, 2025, PPRC Action Report shown as "COMMUNITY", prior to submittal of a final plat application. Public use shall be limited to the pathway tread and connecting facilities and equipment intended for pathway users which may include, but are not limited to, benches, drinking water sources, dog bag dispensers/waste receptacles, and bike repair stations.
24. For all alignments shown on EXHIBIT B of the December 18, 2025, PPRC Action Report shown as "SIDEWALK", the applicant shall provide sidewalks that comply with ACHD requirements and shall be covered by a 14-foot (14') wide public access easement if such public access easement is not already required by ACHD.
25. The applicant shall be required to submit a revised preliminary development plan and preliminary plat showing an 8-foot (8') wide concrete COMMUNITY pathway which connects the neighborhood's proposed SIDEWALK to the 10-foot (10') wide ACHD multiuse pathway along West Floating Feather Road prior to submittal of a final plat application. See EXHIBIT B of the December 18, 2025, PPRC Action Report for recommended location of connection.
26. The applicant shall be required to provide a revised preliminary development plan and preliminary plat showing a 6-foot (6') wide NEIGHBORHOOD pathway connection from the SIDEWALK to the 8-foot (8') wide COMMUNITY pathway shown on EXHIBIT B of the December 18, 2025, PPRC Action Report, prior to the submittal of a final plat application. The tread shall be, at a minimum, the same tread as the 8-foot (8') wide COMMUNITY pathway located along the DD2 drainage ditch. Hard surface may also be utilized.
27. The applicant shall provide dog waste bag dispensers/waste receptacles (at locations agreed upon by the City in writing) at the time of a design review application submittal.
28. Curb ramps shall be provided where sidewalks and pathways meet streets, alleys, or other curb cuts, or where they are permitted by ACHD.
29. The intersections of pathways, sidewalks, and trails shall have a minimum radius of 8-feet (8') to eliminate sharp turns or blind corners.
30. Public trails and pathways that are anticipated to connect to an adjacent trail or pathway in the future shall employ a cul-de-sac design at its terminus, as is described in detail in the CITY OF EAGLE TRAIL AND PATHWAY DESIGN AND CONSTRUCTION STANDARDS. The pathway easement shall extend to the parcel boundary and allow possible connection to adjacent development and allow the City, or City authorized parties, and adjacent applicants, to make alterations within the easement. Such alterations to elements include, but are not limited to, connection to other trails and pathways, landscaping, fencing, irrigation equipment, and signage.

Example 5

31. If trails or pathways are to be maintained by the City, the applicant shall provide maintenance access easements 25-feet (25') in width in favor of the City of Eagle, with a minimum four (4') margin on each side of the pathway tread within any part of the easement where possible for all alignments shown as "REGIONAL" and "COMMUNITY" in EXHIBIT B of the December 18, 2025, PPRC Action Report. These easements shall not limit the applicant in landscape design beyond the standards established in the trail and pathway standards and Title 9. Staging and vehicle access locations shall be determined and included in the maintenance agreement and related easements.
32. Easement provision language shall include the following: "The City of Eagle may construct, connect, or continue within these easements, public pathways as part of future system expansion, and may authorize staff, contractors, or neighboring developers to facilitate such improvements within these easements from any boundary to another public pathway easement or easements, or to parcels included in any public access agreement."
33. The applicant shall be permitted to obtain easements for pathway and/or trail construction that is outside of the current project footprint as long as the integrity of the existing pathway and trail network would not be compromised by any proposed additions and necessary realignments, as is determined by the City.
34. Public access easement agreements and an associated survey (that depicts the location of each pathway or trail located within the easement) shall be submitted to the City prior to the City Clerk signing the final plat.
35. Pathways and trails shall be constructed and a survey (that depicts the location of each pathway or trail located within the easement) shall be submitted to the City prior to the City Clerk signing the final plat.
36. The applicant and future homeowners' association shall provide maintenance of all pathways, in perpetuity.
37. The City shall reserve the right to display signage within all pathway easements similar to what is shown in EXHIBIT D of the December 18, 2025, PPRC Action Report.
38. Maintenance vehicle access (for City maintained trails) is to be provided. Design to be approved by the City in writing prior to the beginning of construction of that portion of the trail.
39. Hammerheads (for maintenance vehicle turnaround) shall be provided for all City maintained trails where only one access is available or where a trail terminates without access to a public roadway.
40. Material staging areas for large maintenance projects shall be designed and documented, and available for use within 30-days of written notice provided by the City, for any pathway that will be maintained by the City.
41. Signage, including the physical form, materials, placement, and message, that the applicant or HOA wishes to display within pathway easement(s) must be provided upon submittal of a design review application and must be approved in writing by the City.
42. The applicant shall coordinate with Drainage District #2 to determine the exact location and requirements of the pathway so that it does not interfere with DD2's access and shall submit to the City the recorded license agreement with DD2, prior to the City Clerk signing the final plat.

Example 5

43. The applicant shall include a recreational component into the design of the open space provided in the southerly common lot (Lot 2, Block 2).
44. Prior to the applications being presented at a meeting of the Planning & Zoning Commission, the applicant shall verify the terms of the existing shared driveway access easement, located on the adjacent property to the west of the subject site and on the north side of the McHenry Lateral, which currently provides private access from North Park Lane to the existing residential home located on the subject site.

NOTE: In the event a Standard Condition of Approval conflicts with a Site Specific Condition of Approval contained herein the Site Specific Condition of Approval shall control.

STANDARD CONDITIONS OF APPROVAL:

1. The applicant shall comply with all requirements of the Ada County Highway District and/or the Idaho Transportation Department, including but not limited to approval of the drainage system, curbs, gutters, streets and sidewalks.
2. Correct street names, as approved by the Ada County Street Name Committee, shall be placed on the plat prior to the City Engineer signing the final plat.
3. Complete water and sewer system construction plans shall be reviewed and approved by the City Engineer. Required improvements shall include, but not be limited to, extending all utilities to the platted property. The developer may submit a letter in lieu of plans explaining why plans may not be necessary.
4. Idaho Department of Health & Welfare approval of the sewer and water facilities is required prior to the City Engineer signing the final plat (I.C. Title 50, Chapter 13 and I.C. 39-118).
5. Written approval of all well water for any shared or commercial well shall be obtained from the Idaho Department of Water Resources prior to the City Engineer signing the final plat.
6. Unless septic tanks are permitted, wet line sewers will be required and the applicant will be required to furnish the City Engineer with a letter from the sewer entity serving the property, accepting the project for service, prior to the City Engineer signing the final plat.
7. All homes being constructed with individual septic systems shall have the septic systems placed on the street side of the home or shall have their sewer drainage system designed with a stub at the house front to allow for future connection to a public sewer system.
8. Per Idaho Code, Section 31-3805, concerning irrigation rights, transfer and disclosure, the water rights appurtenant to the lands in said subdivision which are within the irrigation entity will be transferred from said lands by the owner thereof; or the subdivider shall provide for underground title or other like satisfactory underground conduit to permit the delivery of water to those landowners within the subdivision who are also within the irrigation entity.

See Eagle City Code Section 9-4-1-9(C) which provides overriding and additional specific criteria for pressurized irrigation facilities.

Plans showing the delivery system must be approved by a registered professional engineer and shall be approved by the City Engineer prior to the City Engineer signing the final plat.

9. The applicant shall submit a letter from the appropriate drainage entity approving the drainage system and/or accepting said drainage; or submit a letter from a registered professional engineer certifying that all drainage shall be retained on-site prior to the City Engineer signing the final plat. A copy of the construction drawing(s) shall be submitted with the letter.

Example 5

10. Drainage system plans shall be submitted to the City Engineer for review and approval prior to the City Engineer signing the final plat. The plans shall show how swales, or drain piping, will be developed in the drainage easements. The approved drainage system shall be constructed, or a surety shall be submitted to the City Clerk, prior to the City Engineer signing the final plat. The CC&R's shall contain clauses to be reviewed and approved by the City Engineer and City Attorney, prior to the City Engineer signing the final plat, requiring that lots be so graded that all runoff runs either over the curb, or to the drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.
11. No ditch, pipe or other structure, or canal, or drain, for irrigation water or irrigation waste water owned by an organized irrigation district, canal company, ditch association, drainage district, drainage entity, or other irrigation entity, shall be obstructed, routed, covered or changed in any way unless such obstruction, rerouting, covering or changing has first been approved in writing by the entity. A Registered Engineer shall certify that any ditch rerouting, piping, covering or otherwise changing the existing irrigation or waste ditch (1) has been made in such a manner that the flow of water will not be impeded or increased beyond carrying capacity of the downstream ditch; (2) will not otherwise injure any person or persons using or interested in such ditch or their property; and (3) satisfied the Idaho Standards for Public Works Construction. A copy of such written approval and certification shall be filed with the construction drawing and submitted to the City Engineer prior to the City Engineer signing the final plat.
12. Encroachments including, but not limited to, landscaping, fencing, lighting, and/or pathways shall not be located within any easement or right-of-way for any ditch, pipe or other structure, or canal, or drain, used for irrigation water or irrigation waste water without the express written approval of the organized irrigation district, canal company, ditch association, drainage district, drainage entity or other irrigation entity associated with such ditch, pipe or other structure, drainage or canal. The applicant shall submit a copy of the written approval from the irrigation entity, drainage district, or drainage entity prior to the City Clerk signing the final plat.
11. Street light plans shall be submitted and approved as to the location, height and wattage to the City Engineer prior to the City Engineer signing the final plat. All construction shall comply with the City's specifications and standards.

The applicant shall delineate on the face of the final plat an easement, acceptable to the City Engineer, for the purpose of installing and maintaining street light fixtures, conduit and wiring lying outside any dedicated public right-of-way, prior to the City Engineer signing the final plat. Whether located inside or outside of the public right-of-way the perpetual maintenance of the street lights shall be the responsibility of the applicant, subdivider, business owner, homeowner, or homeowner's association, whichever the case may be.

The applicant shall pay applicable street light inspection fees on the proposed subdivision prior to signing of the final plat by the Eagle City Engineer.

14. The applicant shall submit cut sheets showing street lighting details for review and approval by the Zoning Administrator prior to the submittal of the final plat. The plans shall show how the streetlights will facilitate the "Dark Sky" concept of lighting.
15. The applicant shall provide utility easements as required by the public utility providing service, and as may be required by the Eagle City Code, prior to the City Engineer signing the final plat.

Example 5

16. An approval letter from the Eagle Fire Department shall be submitted to the City prior to the City Engineer signing the final plat. The letter shall include the following comments and minimum requirements, and any other items of concern as may be determined by the Eagle Fire Department officials:
 - a. The applicant has made arrangements to comply with all requirements of the Fire Department.
 - b. The proposed fire hydrant locations shall be reviewed and be approved in writing by the Eagle Fire Department prior to the City Engineer signing the final plat.
 - c. Minimum flow per hydrant shall be 1,000 gallons per minute for one and two family dwellings, 1,500 gallons per minute for dwellings having a fire area in excess of 3,600 square feet, and 1,500 gallons per minute (i.e. Commercial, Industrial, Schools, etc.). Flow rates shall be inspected in accordance with all agencies having jurisdiction, and shall be verified in writing by the Eagle Fire Department prior to issuance of any building permits.
 - d. The proposed fire protection system shall be reviewed and approved by the Eagle Fire Department prior to issuance of a building permit.
17. Covenants, homeowners association by-laws or other similar deed restrictions, acceptable to the Eagle City Attorney which provide for the use, control and mutual maintenance of all common areas, storage facilities, recreational facilities, street lights or open spaces shall be reviewed and approved by the Eagle City Attorney prior to the City Engineer signing the final plat.

A restrictive covenant must be recorded and a note on the face of the final plat is required, providing for mutual maintenance and access easements.

Appropriate papers describing decision-making procedures relating to the maintenance of structures, grounds and parking areas shall be reviewed and approved by the Eagle City Attorney prior to the City Engineer signing the final plat.
18. Should the homeowners association be responsible for the operation and maintenance of the storm drainage facilities, the covenants and restrictions, homeowners association by-laws or other similar deed restrictions acceptable to the Eagle City Attorney shall be reviewed and approved by the Eagle City Attorney prior to the City Engineer signing the final plat.
19. The applicant shall submit an application for Design Review, and shall obtain approval for all required landscaping, common area and subdivision signage prior to the City Engineer signing the final plat.
20. Any recreation area, greenbelt area or pathway area along the Boise River, Dry Creek or any other area designated by the City Council or Eagle Parks, Pathways and Recreation Commission for a path or walkway shall be approved in writing by the Eagle City Parks, Pathways and Recreation Commission prior to approval of the final plat by the City Council.
21. Conservation, recreation and river access easements (if applicable) shall be approved by the staff and the City Engineer and shall be shown on the final plat prior to issuance of a building permit or Certificate of Occupancy, whichever occurs first.
22. The applicant shall place a note on the face of the plat which states: "Minimum building setback lines shall be in accordance with the applicable zoning and subdivision regulations at the time of issuance of the building permit or as specifically approved and/or required".
23. The applicant shall comply with the provisions of the Eagle City Code, pertaining to floodplain and river protection regulations (if applicable) prior to the City Engineer signing the final plat.
24. The development shall comply with the Boise River Plan (if applicable) in effect at the time of City Council consideration of the final plat.

Example 5

25. The applicant shall obtain written approval of the development relative to the effects of the Boise River floodplain (if applicable) from the Corps of Engineers prior to approval of the final plat by the City Engineer.
26. The applicant shall obtain approval of the development relative to its effects on wetlands or other natural waterways (if applicable) from the Corps of Engineers and the Idaho Department of Water Resources and/or any other agency having jurisdiction prior to the City Engineer signing the final plat.
27. Basements in homes in the flood plain are prohibited.
28. The Americans with Disabilities Act, Uniform Building Code, Eagle City Code, Eagle Comprehensive Plan, and all applicable County, State and Federal Codes and Regulations shall be complied with. All design and construction shall be in accordance with all applicable City of Eagle Codes unless specifically approved by the Commission and/or Council.
29. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change. Any change by the applicant in the planned use of the property which is the subject of these applications, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest submits application to the City of Eagle for a change to the planned use of the subject property.
30. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by the Eagle City Code Title 9 "Land Subdivisions" until the final plat has received the approval of the City Council (ECC 9-6-5 (A) (2)).

After Council approval of the final plat, the applicant may construct any approved improvements before the City Engineer signs the final plat. The applicant shall provide a financial guarantee of performance in the amount of 150% of the total estimated cost for completing any required improvements (see resolution 98-3) prior to the City Engineer signing the final plat. The financial guarantee shall be a Letter of Credit, Certificate of Deposit, cash deposit or certified check.
31. In accordance with Eagle City Code, if a final plat application is not filed within two (2) years following City Council approval the preliminary plat application shall be null and void, unless a time extension is granted by the City Council.
32. Prior to submitting the final plat for recording, the following must provide endorsements or certifications: Owners or dedicators, Registered Land Surveyor, County Engineer, Central District Health Department, Ada County Treasurer, Ada County Highway District Commissioners, City Engineer, and City Clerk.
33. The City's actions on these applications do not grant the applicant any appropriation of water or interference with existing water rights. The applicant indemnifies and holds the City harmless for any and all water rights, claims in any way associated with these applications.
34. The applicant shall take care to locate and protect from damage existing utilities, pipelines and similar structures. Documentation indicating that "Digline" has performed an inspection of the site shall be submitted prior to the issuance of any building permits for the site.
35. Place a note on the final plat which states in general that surrounding land with farm uses and related activities shall be protected pursuant to the Idaho Right to Farm Act.
36. The applicant shall install at the entrance to the subdivision a 4' x 4' plywood or other hard surface sign (mounted on two 4"x 4" posts with the bottom of the sign being a minimum of 3-feet above the ground) noticing the contractors to clean up daily, no loud music, and no dogs off leash.

Example 5

37. Owner shall provide a "Heavy Truck Traffic Plan" to be followed by any vehicle or equipment over 25,000 GVWR. The plan shall show all designated routes and hours of operation. The heavy truck traffic routes shall maximize use of highways and major arterials while minimizing use of smaller residential streets. The plan will also cite that compression braking is prohibited everywhere in Ada County. Owner is responsible for communicating the approved plan to all sub-contractors and for monitoring compliance.
38. The applicant shall provide a construction site dust control mitigation plan to be reviewed and approved by staff prior to the issuance of a "Notice to Proceed" with construction letter.

CONCLUSIONS OF LAW:

1. The Commission reviewed the particular facts and circumstances of this proposed rezone upon annexation (A-2025-05/RZDA-2025-07) with regard to Eagle City Code Section 8-7-5 "Action by the Commission and Council", and based upon the information provided concludes that the proposed rezone upon annexation is in accordance with the City of Eagle Comprehensive Plan and established goals and objectives because:
 - a. The requested zoning designation of R-3-DA-P (Residential with a development agreement-PUD) is consistent with the Neighborhood Residential and Residential Transition Overlay designations as shown on the Comprehensive Plan Future Land Use Map, because the R-3 (Residential) density is within the suitable density range for the Neighborhood Residential designation, as stated within the Comprehensive Plan, and because the development provides for a sufficient transition in lot sizing and density within the site, as conditioned herein, to achieve the intent of the Residential Transition Overlay designation;
 - b. The information provided from the agencies having jurisdiction over the public facilities needed for this site indicates that adequate public facilities exist, or are expected to be provided, to serve all uses allowed on this property under the proposed zone;
 - c. The proposed R-3-DA-P (Residential with a development agreement-PUD) zoning district is compatible with the R-3-DA (Residential with a development agreement) zone and land use of Monticello Estates Subdivision to the west, because Monticello Estates Subdivision shares the R-3 (Residential) zoning and has been developed with lots of similar size;
 - d. The proposed R-3-DA-P (Residential with a development agreement-PUD) zoning district is compatible with the R-E-DA (Residential estates with a development agreement) zone and land use of the Eusterman Subdivision to the east, as conditioned herein, because the development incorporates sufficient design features and considerations to the existing conditions of the adjacent subdivision;
 - e. The proposed R-3-DA-P (Residential with a development agreement-PUD) zoning district is compatible with the R-E (Residential Estate) zone and land use to the north, because the development to the north is located within the Village Planning Area, whereas the subject site is located within the Park Lane Planning Area, which are each described in the Comprehensive Plan, and distinguished by unique objectives, to achieve the unified goals and objectives for the greater area, and because the development is compatible with those goals and objectives of the Park Lane Planning Area;
 - f. The proposed R-3-DA-P (Residential with a development agreement-PUD) zoning district is compatible with the PS (Public/Semipublic) zone and land use to the south, because it meets the objectives of the Park Lane Planning Area which describes densities of up to three units per acre adjacent to the high school property which is south of and adjacent to the subject site, and because public high school and recreational amenities provides public services which are intended to be accessible to residents of the community;

Example 5

- g. The land proposed for rezone is not located within a “Hazard Area” as described in the Comprehensive Plan. The subject site includes a section of the McHenry Lateral, an irrigation canal. Irrigation canals are identified within the Comprehensive Plan as “Special Areas” intended to remain open and used as amenities. The development will include a pathway along the canal, which will connect to the residential uses and open space within the development;
 - h. The proposed use, as conditioned within the development agreement, does not create a non-conforming use with the R-3-DA-P (Residential) zone;
 - i. The owner of the property has consented in writing to the annexation into the City of Eagle; and
 - j. The land proposed for rezone is contiguous to Eagle city limits along the northern, eastern, southern, and a portion of the western property boundaries.
2. The Commission reviewed the particular facts and circumstances of this conditional use permit, preliminary development plan, and preliminary plat (CUP-2025-06/PPUD-2025-06/PP-2025-07) and based upon the information provided concludes that the applications are in accordance with the City of Eagle Title 9 (Subdivisions) because:
- a. That the proposed PUD is in the public interest, advances the general welfare of the community and neighborhood, and will not be detrimental to the economic welfare of the community, because the economic impact of the proposal has been evaluated and the development, as conditioned, is proposed to maintain and/or improve the general welfare of the community through the provision of additional tax revenue, open space amenities, and improvements to transportation corridors, and extensions of public infrastructure;
 - b. That the development be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and how such use will not change the essential character of the same area, by working with residents of the adjacent subdivisions to include features within the development which protect the quality of life of the residents within the community, and through the oversight of the homeowner’s association and architectural control committee.
 - c. That the development will not be hazardous or disturbing to existing or future neighborhood uses, because the development incorporates appropriate buffers and screening from neighboring developments and uses, and because the development will comply with all applicable required safety standards.
 - d. That the development does not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors, because the development does not propose uses which would generate such conditions, and construction of the development, as conditioned, will mitigate heavy truck traffic, allowable hours for construction, and other conditions generated from construction.
 - e. That the development will be served adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, because the development has been evaluated by the City and by associated public agencies to provide such confirmation.
 - f. That the development will not create excessive additional requirements at public cost for public facilities and services, because the scale of development within the capacity of the available public infrastructure and any need in excess is to be provided by the development at the expense of the developer.

Example 5

- g. That the development is provided with pathways, ponds, and open areas which would not typically be provided in a non-PUD proposal.
- h. That the vehicular approaches to the property are designed to not create an interference with traffic on surrounding public thoroughfares.
- i. That the development will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance, because none are known to exist on the property.
- j. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan, because the development, as conditioned, achieves the goals and objectives of the future land use designations and the planning area within which the development is located.
- k. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of Eagle City Code Title 8, because the development, as conditioned, is in compliance with the requirements of Eagle City Code Title 8.
- l. That the benefits, combination of various land uses, and interrelationship with the surrounding area for this proposed development justifies any proposed deviation from any standard district regulations.
- m. That public services shall be provided to the development including, but not limited to, fire protection, police protection, central water, central sewer, road construction, parks and open space, recreation, maintenance, schools and solid waste collection.

The public services that would be provided to the development include the following:

Fire Protection

The development is located within the boundaries of the Eagle Fire District and is approximately 1.0 miles from Eagle Fire Station No. 3.

Police Protection

The project will be served by the Eagle Police Department and is approximately 4.6 miles from the Eagle Police Station.

Water Service

The project is located within an area that is served by Veolia Water. The water infrastructure will be constructed at the developer's expense.

Sewer

The property is located within the boundaries of the Eagle Sewer District. Prior to the developer installing the required sewer infrastructure, the developer will be required to comply with the District's requirements.

Road Construction

The development will include local roads, to be constructed at the developer's expense, and which will be constructed to the standards and requirements of the Ada County Highway District.

Open Space

The developer will provide open space, pathways, and amenities as conditioned herein and at the developer's own expense.

Maintenance

The maintenance of the pressurized irrigation system as well as all common areas including, but not necessarily limited to, open space areas, landscape parkway strips, and landscape islands, will

Example 5

be the responsibility of and regulated by the Mabury Subdivision Homeowner’s Association. The roads, sewer, fiberoptic, power, and water infrastructure will be publicly owned and maintained by the respective agencies.

Schools

Mabury Subdivision is located within the West Ada School District.

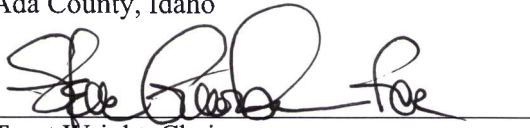
Solid Waste Collection

Solid waste collection is provided by Hardin Services through a contract with the City of Eagle.

- n. That an estimate of the public service costs to provide adequate service to the development has been provided by the developer.
- o. That an estimate of the tax revenue that will be generated from the development has been provided by the developer.
- p. That suggested public (or private) means of financing the services for the development if the cost for the public services would not be offset by the tax revenue received from the development has been provided by the developer.

DATED this 6th day of April, 2026.

PLANNING AND ZONING COMMISSION
OF THE CITY OF EAGLE
Ada County, Idaho


Trent Wright, Chairman

ATTEST:


Tracy E. Osborn, Eagle City Clerk



“Regulatory Taking Notice: In accordance with section 67-6519, Idaho Code, Applicant has the right, pursuant to section 67-8003, Idaho Code, to request a regulatory taking analysis”