

**APPENDIX 1:
FOOTHILLS PLANNED DEVELOPMENT ORDINANCE**



Section 11-06-05.07 Foothills Planned Development Ordinance

11-06-05.07.01. Purpose and Intent

The purpose of the Foothills Planned Development Ordinance is to implement residential subdivision density and design elements of the *Boise City Foothills Policy Plan* (The Plan) and the *Boise City Comprehensive Plan*. It is also designed to protect and promote preservation of contiguous areas of Foothills open space that contain important and significant natural and cultural resource values, as identified in The Plan and this ordinance.

11-06-05.07.02. Applicability

The Foothills Planned Development Ordinance shall apply to all proposed developments in the Boise City Foothills Planning Area where an annexation and/or rezone is required.

11-06-05.07.03. General Application and Development Requirements

1. All developments shall be processed as Planned Developments (PDs) under Section 11-06-05 of the *Boise City Zoning Ordinance*.
2. Planned development proposals shall include applications for an annexation, a development agreement, a preliminary plat subdivision, a "Hillside and Foothill Areas Development" permit, and where applicable, a floodplain permit. The initial applications may consist of conceptual applications as described in Appendix A, Phase II.
3. Upon annexation the buildable areas of the PD shall be zoned "R-1A," Single-Family Residential, with the density and design further controlled by the provisions of this ordinance. Slope protection and preserved open space areas shall be zoned A-1 or A-2.
4. Developments shall be required to connect to municipal water and sewer services and participate in other municipal service districts as applicable.
5. Density bonuses do not add to buildable area to be developed, they simply add to the number of units allowed.

11-06-05.07.04. Density Bonus

A density bonus pursuant to the formula in Table 1 shall be granted in return for the provision of preserved open space.

A. Basic Provisions:

1. The base density on parcels proposed for development is that given for the existing Boise City or Ada County zone(s).
2. The density bonus is based upon the ratio of buildable area to be preserved as open space, to the buildable area to be developed. See the Definitions section for the definition of "Buildable Area."
3. The base density units may be added to the density bonus units without the requirement for additional open space preservation.
4. A developer may propose open space/density bonus points between those identified in Table 1, provided that the curve of the formula is unchanged.

5. The density formula may be adjusted to allow density transfers from other non-contiguous parcels at such time as a Transfer of Development Rights (TDR) ordinance is adopted and in effect..

B. Preserved Open Space Eligible for a Density Bonus as per the formula in Table 1, shall meet the following requirements:

1. Lands of 25% slope or less, one acre or greater in size, with a minimum average width of 30 feet.
2. Public rights-of-way that meet requirements of this section, serve to connect development pockets, and provide access to public open space may be included in the density calculation for open space, but roads within a development pocket shall not be included. Rights-of-way that have dwelling units fronting or siding onto them shall not be included.
3. Other lands classified as Priority Open Space in section C below.

Table 1 - Density Bonus Formula*

Built Area Percent	Open Space Dedicated Percent	Density Bonus Units /Acre	Example	
			Buildable Area On 100 acres After Open Space Set-Aside	# of Bonus Units
75%	25%	0.5	75.0	38
69%	31%	0.75	68.8	52
63%	38%	1.0	62.5	63
56%	44%	1.25	56.3	70
50%	50%	1.5	50.0	75
44%	56%	1.75	43.8	77
38%	63%	2.25	37.5	84
31%	69%	3.0	31.3	94
25%	75%	4.0	25.0	100

*1) The base density of one unit per forty acres for the entire project area may be added to the number of units allowed by the density bonus formula.

C. Other Open Space Allowances:



The City recognizes that the foothills provide a great degree of variability in landforms, environmental habitats and cultural resources. Some areas may have a combination of characteristics that cause them to be considered worthy of special incentives for preservation, even if they do not meet the normal size, slope or dimensional requirements necessary to qualify as Open Space Eligible for a Density Bonus as per Section 11-06-05.7.4.B above. When these areas are identified on a property and proposed for preservation, the Planning and Zoning Commission may classify them as Priority Open Space and allow all or a portion of them to qualify for the granting of a density bonus.

In order to qualify for a density bonus, Priority Open Space lands must demonstrate at least four of eleven characteristics established for high priority open space lands. There must also be a demonstrable increase in the public value of the resource by such allowance that would not be realized by strict adherence to the other provisions of this code.

Priority Open Space Characteristics:

Of the following eleven characteristics of high priority open space, at least four must co-exist on a property for consideration as Priority Open Space Eligible for a Density Bonus:

1. Wetlands
2. Riparian areas
3. Rare plant communities
4. Critical deer and elk winter range and migration corridors
5. Boise City Historic Preservation Committee: Potential Public Preservation Sites
6. Unique geologic or visual features
7. Archeologic or other historic sites
8. Trails and trail-heads designated in the Ada County Ridge to Rivers Pathway Plan
9. Other public trails and trail heads as approved by the Boise City Parks and Recreation Board
10. Lands adjacent to publicly-held open spaces
11. Lands adjacent to areas that are, or have the potential to be, designated and set aside as public open space lands in accordance with the provisions of this ordinance.

Criteria for Determining Demonstrable Increase in Public Value of Priority Open Space:

In allowing density bonus credit for priority open space in steeply sloped areas or in fragmented pieces, there must be a demonstrable increase in the public value of the resource by such allowance. Demonstrable increase in value may include but is not limited to the following:

1. Allowance for public access.
2. Protection from alteration of important vegetation, terrain or scenic views and vistas that could otherwise occur from a permitted use such as mining, logging, grazing or construction of utilities or infrastructure.

3. Linkage of interspersed eligible open space areas into a more biologically complete and continuous wildlife corridor.
4. Dedication or discounted sale to a willing public agency.

Planning and Zoning Commission Consideration of Priority Open Space:

It is not the intent of this section to broadly allow the designation of highly fragmented or steeply sloped land as open space, to the total exclusion of the normal requirements of clustering and set aside of buildable area open space. Priority Open Space, when it exists, should be used in balance with other forms of eligible open space to meet the requirements of this code.

When the applicant demonstrates that a portion of his property not otherwise qualified as Open Space Eligible for a Density Bonus as per Section 11-06-05.7.4.B, does meet the above-listed criteria, the Commission may classify it as Priority Open Space and allow some or all of it to qualify for the granting of a density bonus. The amount allowed to qualify as Open Space Eligible for a Density Bonus shall be discretionary based upon the degree to which it meets or exceeds the minimum criteria established in this section. The Planning and Zoning Commission shall seek the input of the Idaho Department of Fish and Game, the Boise City Parks and Recreation Board and other public agencies with expertise in the issue at hand, in determining the proper amount to be allowed to be set aside in return for a density bonus.

D. Golf Courses Allowed in Open Space Golf courses may be permitted in designated preserved open space areas, provided that they are of the Links type in which players hit from a tee box to a green with the intervening spaces maintained in a primarily natural condition. These golf courses shall be characterized by the use of native plants with natural landform contours left intact. Parking lots, club houses, driving ranges, maintenance facilities and similar golf related uses shall not be counted as open space contributory to the density bonus. Designated trails and park sites must be preserved in or around the golf course.

E. The following are ineligible for inclusion as preserved open space in the density bonus calculation, except as may be provided in paragraphs "C" of this section:

1. Urban developed uses such as club houses, tennis courts, swimming pools, dirt bike tracks, golf driving ranges and similar uses that dramatically alter land from its natural state, and/or uses that may be considered a commercial land use of the site.
2. Internal park sites. Park sites may only be included as eligible open space when they are left in a primarily natural condition and include a significant opening from the subdivision into a larger designated open space area outside the subdivision.

11-06-05.07.05. General Design Criteria

A. Foothills Planned Developments shall be designed to meet the following general criteria:

1. Residential uses shall be clustered within development pockets rather than scattered throughout the property, while preserving the remaining land in separate parcel(s) of permanent open space.
2. Designated open space areas shall be linked to other open spaces to the greatest extent possible.
3. Road and trail access to adjacent properties shall be provided to prevent landlocked parcels and/or breaks in the trail systems.



4. Disturbance of the land shall be minimized and development shall be avoided in areas that would necessitate excessive grading, cut and fill.
5. Development pockets shall be sited and designed in compliance with policies in The Plan concerning clustering, environmental protection, open space conservation and scenic and aesthetic goals.
6. Fire safety and protection measures to reduce the threat of wildfires shall be incorporated into the design in accordance with *Uniform Fire Code* and *Boise City Code* Title 7. Such measures shall include internal residential sprinkling systems, defensible space for the structures and the provision of safe evacuation routes for residents in case of wildfire.
7. Gated developments are prohibited due to the potential for such limited access to restrict or delay emergency response in the Foothills.
8. The crossing of designated open space, floodways, wetlands and areas of high wildlife habitat value with roads and infrastructure shall be avoided to the greatest extent possible.
9. A mixture of dwelling unit types is allowed, including single family and multi-family units.
10. Neighborhood commercial and service commercial uses are allowed, but they must be designed to reflect and conform to the height, mass, materials and site design of the residential structures in the PD.
11. Setbacks and other dimensional standards may be varied to suit the conditions.

B. Trails are required in Foothills Planned Developments according to the following:

1. There shall be public access to public trails contiguous to and/or intersecting the subject parcel(s).
2. Trail design should preserve the natural scenic and wildlife habitat values.
3. The *Ada County Ridge-To-Rivers Pathway Plan* shall be used as a guide for trail locations.
4. Trails shall be secured through dedication, easement or other such binding mechanism, and shown on the subdivision plat.
5. If no contiguous and/or intersecting public trails exist or are proposed, private trails may be established through the common open space area, provided that the design preserves the natural character and wildlife habitat value of the open space area.

C. The general design and use of preserved open space shall comply with the following requirements:

1. Preserve contiguous areas of open space, both within the subject parcel and adjacent parcels, by aligning them along common corridors to the extent possible.
2. Maintain open space in a "natural condition," ungraded and left in indigenous plant species as much as possible. Noxious and invasive weeds are not considered part of the indigenous plant population and are not protected by this ordinance.

3. Preserve areas of highest wildlife habitat value and contiguous wildlife migration corridors in designated Wildlife Habitat Areas, as defined on the map, Figure 2-1, in The Plan. This requirement is subject to the approval of the Idaho State Fish and Game Department.
4. Preserve unique geologic and historic features, defined as Heritage sites and sites designated for historic preservation by City, State and Federal agencies.
5. Exclude development from geologic hazard areas, specifically landslide areas, and areas with unstable soils.

11-06-05.07.06. Building and Grading Disturbance Envelopes

1. Building envelopes depicting the limits of building footprints shall be shown on the final Conditional Use site plan for all structures and facilities in the planned development.
2. Parcels with slopes greater than 25% shall be shown on the Conditional Use permit with a disturbance envelope that defines the area outside of which no grading will be allowed. The purpose is to protect neighboring properties, storm water drainage systems, and other infrastructure from the collapse or failure of non-approved poorly designed cuts and fills.

11-06-05.07.07. Ownership and Maintenance of Open Space

Open space areas may be owned and maintained as follows:

1. Owned and maintained by and for the use of the homeowners' association of the project of which it is a part; or,
2. Joined with preserved open space lands held by any neighboring homeowner's association, or, preservation through an organization with adjacent lands held in permanent open space which would then be jointly maintained under an agreement contained in the Conditional Use Permit and/or Development Agreement with the City; or,
3. Dedicated or sold to the city, if recommended for approval by the Boise City Board of Parks and Recreation Commission, or other public agency, or private land trust for open space uses as may be approved in the Development Agreement and/or the Conditional Use and approved by the City Council; or,
4. Other open space preservation strategies under sole or joint ownership, such as deed restrictions, or conservation easements, may be set up, and executed when approved by the city.
5. Where the goals and policies of the *Ada County Ridge-To-Rivers Pathway Plan*, the Boise City Heritage Preservation Committee: Potential Public Preservation Sites plan, *Boise City Comprehensive Plans* and/or *Ada County Comprehensive Plans* and their referenced plans specify the need for public trails or open space, easements for public lands or trails may be required as part of the development's permanent open space. These trails or open spaces may be held in private ownership with an easement, or may be purchased by the city, or dedicated to the city for that use by the landowner(s).
6. Specific agricultural or utility use exceptions may be permitted in open spaces, including livestock grazing, community gardens, irrigation ponds or storm water retention ponds. These uses shall not include buildings or structures except those necessary appurtenances required by those uses, such as dams and irrigation/drainage systems.



These use exceptions shall comply with the policies of The Plan, shall be shown on the conditional use site plan, and shall not degrade the value of the permanent open space.

7. Fencing shall not encroach into or bisect preserved open space areas.
8. The city will accept no responsibility for the costs for maintenance of open space or recreational facilities unless the Boise City Board of Parks and Recreation Commission and the Boise City Council specifically approves such charges.

11-06-05.07.08. Other Foothills Planned Development Requirements

Nothing in this section shall be construed to relieve an applicant from fully meeting other requirements of the *Boise City Foothills Policy Plan*, the "Hillside and Foothill Areas Development Ordinance," or other Chapters of the *Boise City Zoning Ordinance*.

11-06-05.07.09. Definitions

AREA WITH A SLOPE GREATER THAN 25%:

An area with a natural (pre-grading) slope greater than 25%, mapped to a minimum resolution of 6,000 square feet in area, also called a Non-Buildable Area.

AREA WITH A SLOPE OF 25% OR LESS:

An area with a natural (pre-grading) slope of 25% or less, mapped to a minimum resolution of 6,000 square feet in area, also called a Buildable Area.

BOISE CITY FOOTHILLS PLANNING AREA:

The area defined in the *Foothills Policy Plan* and the *Boise City Comprehensive Plan* within the Boise City Area of Impact Boundary.

BUILDABLE AREA:

Lands with a slope of 25% or less are buildable areas, if outside floodways or geologic hazards. Buildable areas must be designated in the Conditional Use site plan as either development pockets or permanent open space in the ratio chosen under the density bonus formula. Buildable area is determined by natural topography, not by post-construction graded contours.

DEVELOPMENT POCKETS:

These are the buildable areas designated on the site plan and plat map where the structures and appurtenances will be clustered. These areas will be largely less than 25% slope but may contain fragments of steeper areas as needed to accommodate the site design.

FOOTHILLS PLANNED DEVELOPMENT:

A parcel or parcels of land which is planned and developed as a unit under single ownership or control, containing several uses, buildings and common open space or recreational facilities. It is a type of development characterized by master planning for the project as a whole, with clustered structures to preserve usable open space and other natural features, with a mixture of housing types within the permitted densities. This development may include neighborhood commercial and service uses.

HERITAGE SITES:

Sites within the Foothills Planning Area with historic, geologic or cultural value, including threatened or endangered species habitat, as listed in the publication *Potential Public Preservation Sites*, by the Boise City Heritage Preservation Committee, 1993, and other sites designated as historic by City, State or Federal agencies.

NON-BUILDABLE AREA:

Lands with a slope greater than 25% are non-buildable areas and do not qualify as a development pocket, nor are they eligible to be calculated as open space for establishing a density bonus, unless classified as Priority Open Space.

OPEN SPACE ELIGIBLE FOR DENSITY BONUS (ELIGIBLE OPEN SPACE):

An area of one acre or greater in size with a slope of 25% or less and a minimum average width of 30 feet, which is set aside as preserved open space in return for an increase in density on other buildable areas of the site, according to the density bonus formula. Other open space areas which do not meet these criteria may also be counted as open space eligible for the density bonus if they meet the criteria established in section 11-06-05.7.4.C for Priority Open Space, and are approved by the Planning and Zoning Commission.

PERCENT SLOPE:

Percent slope is the vertical rise divided by the horizontal distance within which the vertical rise takes place.

PRESERVED OPEN SPACE:

Land dedicated on the plat and defined in the Conditional Use permit for the very limited uses of undeveloped natural open space, wildlife habitat and recreational uses, and applied toward the granting of a density bonus based upon such open space preservation. Preserved Open Space may be either public or private, or any combination of the two, and shall be permanent.

PRIORITY OPEN SPACE:

Unique lands which exhibit at least four of the eleven characteristics or factors listed in Section 11-06-05.7.4.C. These lands may not meet the size, slope or dimensional criteria for Open Space Eligible for Density Bonus, but may still be allowed to be set aside as preserved open space for purposes of the granting of a density bonus. The type, location and amount of priority open space eligible for a density bonus is to be determined by the Planning & Zoning Commission based upon how many of the priority open space factors they exhibit, as well as upon a demonstration that the public value of the open space will be enhanced by such allowance.

RIPARIAN AREAS:

Relating to or living or located on the bank of a natural water course as a stream or river. The stream corridor consisting of riparian vegetation, stream carved topography and features that define a continuous corridor on either side of a stream or pond therein.

SLOPE PROTECTION AREA:

This is a non-buildable area with a slope greater than 25% that does not qualify as buildable area for the density bonus within either a development pocket or preserved open space, and is designated as such on the conditional use site plan and the subdivision plat.

Appendix A



Application Submitting Requirements:

The following items are required for a Foothills Planned Development application, in addition to those items required for submitting of a standard Planned Development application under Section 11-06-05, and a "Hillside and Foothill Area Development" permit application under Section 11-14.

1. A slope analysis in map and table form depicting areas and polygon labels for:
 - a. All buildable areas, based on two foot contour intervals;
 - b. All non-buildable areas based on five foot contour intervals;
 - c. Buildable areas equal to, or greater, than one acre in size labeled as such on map and table.
2. A special area analysis in map and table form depicting the general locations of:
 - a. Floodways, floodway fringes, wetlands and riparian areas;
 - b. Deer and elk migration corridors as determined by the Idaho State Fish and Game Department and found on maps referenced in The Plan;
 - c. Location of rare, threatened and endangered plant species and communities regulated under the Endangered Species Act of 1973, and administered by U. S. Fish and Wildlife Service Division of Endangered Species;
 - d. Geologic and/or historic features of note and sites designated as Heritage sites.
 - e. Potential buildable ridge tops visible as skyline features from below the Foothills.
3. A capital improvements/infrastructure analysis and map of existing and proposed locations of roads, sewers, drainage and storm water facilities, utilities, schools, parks and fire stations.
4. A recreation analysis in map and table form as appropriate showing locations of existing or proposed trails as established in the *Ada County Ridge-to-Rivers Pathway Plan*, existing or proposed trail heads, interpretive areas and other facilities.
5. An adjacent parcel analysis of lands within 300 feet of the subject property, in map form, depicting:
 - a. Existing lots and dwellings;
 - b. General topography;
 - c. Existing and proposed public trails designated by the *Ada County Ridge-To-Rivers Pathway Plan*;
 - d. Geologic and/or historic features of note and sites designated as Heritage sites;
 - e. Public rights-of-way and potential road access points.

Foothills Planned Development Design Process and Application Form Checklist:

The intent of the process is to allow the applicant and staff to work together to insure that there is a clear understanding about the critical issues prior to the application submitting and throughout the hearings. The applicant should follow this order of events in analyzing, designing and applying for the project.

Phase I - Pre-application:

1. Meet with the city staff about basic design issues before development of a conceptual design.
2. Meet or confer with surrounding landowners about the potential for cooperative development plans.
3. Do a sketch map of the project area and adjacent parcels showing general soil characteristics, slopes, wildlife habitat, permanent open space and/or public lands, drainage courses, unique geologic and historic features, public trails, and other features of note.
4. Meet with city staff about design issues based on sketch map findings.

Phase II - Preliminary/Conceptual Design requirements for Annexation, Development Agreement, Conceptual Conditional Use, Conceptual Preliminary Subdivision Plat, Conceptual Hillside and Floodplain permit applications:

5. Map potential buildable areas.
6. Determine which preserved open space/cluster density formula will be applied based upon site characteristics, access and market constraints.
7. Identify proposed preserved open space area(s) based upon site characteristics including wildlife habitat values, soil conditions, geologic hazards, access constraints, drainage patterns, unique features, etc.
8. Apply the density bonus formula to the remaining buildable area, according to the Table 1, to determine how many dwelling units may be permitted.
9. Lay out the cluster subdivision with roads, drainage system and the appropriate number of lots in the development pockets.
10. Prepare a fire protection plan following guidelines set by the Boise City Fire Department.
11. Prepare a traffic analysis and traffic plan consistent with requirements of the *Destination 2020 Regional Transportation Plan for Ada County* and its subsequent amendments and updates.
12. Prepare a traffic mitigation plan including appropriate neighborhood protection, traffic calming and buffering techniques.
13. Prepare a general grading plan under the conceptual "Hillside and Foothill Area Development" ordinance.
14. Prepare an infrastructure phasing plan.
15. Prepare a building and grading disturbance envelope plan.



16. Complete any other items required by The Plan, The Planned Development Ordinance, Ch. 11-06-05, the Floodplain Ordinance, Ch. 11-12, and the "Hillside and Foothill Areas Development Ordinance," Ch. 11-14.

Phase III - Final Conditional Use, Hillside Permit, Floodplain Permit, Annexation, Development Agreement and Preliminary Plat Subdivision applications:

17. Meet with city staff about design issues based on conceptual approval findings;
18. Prepare the applications for preliminary plat and final conditional use, Hillside permit, Floodplain permit, a revegetation and reclamation plan and other required applications and plans.

Appendix B

Sample conservation easement document and deed restriction statement:

In reference to the requirements for ownership and maintenance of open space in section 11-06-05.07.07, a sample conservation easement document is provided. This example is taken from the New Hampshire State Code.

Conveyances Of Realty And Interests Therein, Conservation and Preservation Restrictions

A conservation restriction shall mean a right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a land or water area, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the area or in any order of taking, which right, limitation, or obligation is appropriate to retaining or maintaining such land or water area, including improvements thereon, predominantly in its natural, scenic, or open condition, or in any other use or condition consistent with the protection of environmental quality.

Appendix C

Maps and guides to the regulated features in the Foothills:

In reference to the requirements for submitting applications in section 11-06-05.07.12 and 07.13, maps and guides to the features noted will be available to applicants.

Boise City Foothills Policy Plan Goal 1 Objective 2 Policy 1:

- 1) The Foothills Land Use Map provides a generalized depiction of potentially buildable areas based upon slope. At the time of zone change or development application, the developer shall submit detailed documents depicting wildlife habitat areas, existing slopes, geology and soils. This data shall be used to make more detailed determinations regarding the extent of the buildable area governed by the policies of this plan and the Hillside and Foothill Area Development ordinance;
- 2) Figure 2-1 Wildlife Habitat Areas;
- 3) Deer and Elk migration corridors;
- 4) Boise City Heritage Preservation Committee: *Potential Public Preservation Sites.*

1. The proposed use; its bulk, height, intensity and location on the property; and all grading, paving and other associated site development modifications, are consistent with preserving the core values of

the property as identified in the Comprehensive Plan or other appropriate guiding document, entitlement or deed restriction associated with the property.

2. The proposed use is consistent with the applicable open space requirements and allowances of the Foothills Planned Development Ordinance.

3. The use is compatible with, or can be conditioned to be compatible with, adjacent land uses. Conditions may include limitations on type, size, amount, location or operation of the use and all other property development modifications associated with the use.

(6472, Amended, 05/23/2006; 6023, Added, 12/05/2000)



**APPENDIX 2:
FLOODPLAIN ORDINANCE**



**Chapter 11-12
FLOODPLAIN ORDINANCE**

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Section 11-12-01 FINDINGS OF FACT, STATEMENT OF PURPOSE

Section 11-12-01.01 Findings of Fact

A. The flood hazard areas of Boise City, Idaho are subject to periodic inundation which may result in

loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. Flood losses are caused by natural forces and construction practices which increase flood heights and velocities, and by structures which are inadequately anchored and which may damage property in other areas. Uses that are inadequately floodproofed, elevated or otherwise unprotected from flood damage also contribute to flood losses.

Section 11-12-01.02 Statement of Purpose

It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditures of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding which are generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in Areas of Special Flood Hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified when property is in an Area of Special Flood Hazards; and
- H. To ensure that those who occupy the Areas of Special Flood hazard assume responsibility for their actions.

Section 11-12-01.03 Methods of Reducing Flood Losses

In order to accomplish its purpose, this ordinance 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 resulting damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood water or may increase flood hazards in other areas.



(6208, Added, 01/21/2003)

Section 11-12-02 DEFINITIONS

Section 11-12-02.01 Definitions

As used in this Chapter each of the terms defined shall have the meaning given in this Section unless a different meaning is clearly required by the context. All words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular, unless the natural construction of the sentence indicates otherwise.

ACCESSORY USE OR STRUCTURE:

A use or structure which is subordinate to the principal use structure on the same parcel and which serves a purpose customarily incidental to the principal use or structure. The accessory use or structure shall, in no instance, include a dwelling unit or be used for human habitation.

AREA OF SHALLOW FLOODING (ASF):

An area shown on the Flood Insurance Rate Map as an AO zone with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. These areas are also referred to as the alluvial fans, and are characterized as sheet flow.

AREA OF SPECIAL FLOOD HAZARD (ASFH):

The lands within Boise City which are subject to flooding from the base flood (or 100 year flood). These areas are also referred to as the floodplain. Designation on maps always include the letters A or V.

BASE FLOOD:

The flood having a one percent chance of being equalled or exceeded in any given year, and is synonymous with "one-percent flood" and "100 year flood." Designation on maps always include the letters A or V.

BASE FLOOD ELEVATION:

The elevation in feet in relation to mean sea level as determined by the Federal Emergency Management Agency to which flood water can be expected to rise during a base flood.

BASE FLOOD HEIGHT IN AREAS OF SHALLOW FLOODING:

The height expressed in feet above adjacent grade to which flood waters can be expected to rise during a base flood. This height is determined by the Federal Emergency Management Agency and is shown on the Flood Insurance Rate Map. Map (FIRM). Adjacent grade is the elevation of the crown of the nearest street or back of the adjacent curb after adjustment is made for slope of the ground.

BASE ZONE DISTRICT:

The zone district classification which is in effect on any given land for which standards are included in the Zoning Ordinance of Boise City, Idaho dated June 2002, and as amended.

BASEMENT:

Any area of the building having its floor subgrade (below ground level) on all sides.

CHECK DAM:

A structure erected in a floodway which does not exceed ten feet in height or impound more than fifty acre feet of water. For the purposes of this Chapter, energy dissipating devices shall be considered to be check dams.

CRITICAL FACILITY:

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

DEVELOPMENT:

Any manmade change to improved or unimproved real estate over which the Boise City Council exercises control. In addition to structural construction, the term includes mining, drilling, dredging, grading, paving, excavation and filling.

ELEVATED BUILDING:

For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING:

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of a watercourse and/or the unusual and rapid accumulation of run-off of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM):

The official report provided by the Federal Emergency Management Agency which has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS):

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood-Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOODPROOFING:

Any combination of structural and non-structural additions, changes, or adjustments to structures



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which reduce or eliminate potential flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY (FW):

The Channel of a river or other watercourse and the 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, as shown in the Flood Insurance Study for Boise City, Idaho.

FLOODWAY FRINGE (FF):

The area between the floodway boundary of the 100 Year Flood. These lands within Boise City are subject to flooding from the Base Flood (aka the 100 year Flood), and are also referred to as part of the floodplain or the Area of Special Flood Hazard located outside of the floodway.

LETTER OF MAP AMENDMENT (LOMA):

A letter issued by the Federal Emergency Management Agency exempting a specific structure site from the Flood Insurance requirements. The site is exempted by virtue of its being elevated above the 100 year flood elevation.

LEVEE:

A levee is a continuous dike or ridge, constructed of earth or other materials that confines flood waters (excluding landfill).

LOWEST FLOOR:

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance found at Section 11-12-7.2 A. through H.

MANUFACTURED HOME:

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

MOBILE HOME:

A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the National Housing and Safety Standards Act of 1974, which became effective June 15, 1976.

MOBILE HOME PARK OR SUBDIVISION:

Any area, tract, plot or parcel of land, developed and designed primarily for placement of mobile homes located and maintained for dwelling purposes on a permanent or semi-permanent basis.

NEW CONSTRUCTION:

Structures for which the start of construction commenced on or after the effective date of this Chapter.



NEW DEVELOPMENT:

Any development for which final approval entitling the applicant to proceed with the development was issued on or after the effective date of this Chapter.

NEW MANUFACTURED HOME PARK OR SUBDIVISION:

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

NON-RESIDENTIAL STRUCTURE:

A building other than a residential structure. The term includes but is not limited to: buildings used for places of assembly, education, child care, business, maintenance, storage, manufacturing, government, hospitals, sanitariums and nursing homes.

RECREATIONAL VEHICLE:

A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RESIDENTIAL STRUCTURE:

A building used as a dwelling for one or more persons. The term includes, but is not limited to houses, mobile homes, apartment buildings, lodging homes, dormitories, (and the guest or patient rooms of), hotels, and motels. The term also includes accessory use areas used in conjunction with and forming an integral part of a residential structure.

START OF CONSTRUCTION:

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE:

Anything constructed or erected, which requires permanent location on the ground or is attached to something having location on the ground.

SUBSTANTIAL IMPROVEMENT:

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or the repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "Substantial Improvement" does not, however, include either: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or: any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

UNNUMBERED "A ZONE":

An area shown on the Flood Insurance Rate Map as an "A Zone" in which base flood depths and a clearly defined channel are not shown.

VARIANCE:

A grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

(Ord. No. 5750, Amended, 08/27/96)

(6208, Amended, 01/21/2003; Ord. 5894, Amended, 02/24/1999)

Section 11-12-03 GENERAL PROVISIONS

Section 11-12-03.01 Creation of Floodway (FW) Zone, the Floodway Fringe (FF) Zone and Area of Shallow Flooding (ASF) Zone

The Floodway Zone, the Flood way Fringe (FF) Zone and Area of Shallow Flooding (ASF) Zone: The Floodway zone, the Floodway Fringe Zone and Area of Shallow Flooding Zone are hereby created and shall have the boundaries as defined in Section 11-12-2.1 Definitions of this Chapter, and shall have the requirements as set forth in this Chapter.

Section 11-12-03.02 Land to which this Ordinance applies

The provisions of this Chapter shall apply to all areas of special flood hazard, within the jurisdiction of Boise City, and as such lands are identified, within the Floodway, Floodway Fringe, or the Area of Shallow Flooding. The areas of special flood hazard are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study" for Ada County, Idaho, and incorporated areas dated February 19, 2003, which includes Flood Insurance Rate Maps, and flood profiles, along with all subsequent amendments which are hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study is on file with the Boise City Planning Director, Boise City Planning and Development Services Director, and the Boise City Engineer, Department of Public Works. Upon issuance of a Letter of Map amendment, such land shall be deemed to be automatically excluded from the Floodway, Floodway Fringe and Area of Shallow Flooding.

(6208, Amended, 01/21/2003; 5895, Amended, 02/23/1999)

Section 11-12-03.03 Compliance

No new development shall hereafter occur within the Area of Special Flood Hazard (ASFH) unless such new development is undertaken in full compliance with this Ordinance.

Section 11-12-03.04 Abrogation & Greater Restrictions

The provisions of this Ordinance shall be in addition to, and shall not be deemed to repeal, abrogate, or impair any other ordinance, regulation, easement, covenant or deed restriction. In the event that the provisions of this Ordinance and any other ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever has the more restrictive requirements shall control.

Section 11-12-03.05 Interpretation

All of the provisions of this Ordinance shall be liberally construed in favor of the governing body and shall not be deemed to limit or repeal any other powers granted under state statutes.

Section 11-12-03.06 Warning and Disclaimer

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased due to artificial or natural causes. This Chapter does not imply that lands outside the identified areas of special flood hazard will be free from flooding or flood damages or that uses permitted within the identified areas of special flood hazard will be free from flooding or flood damages. This Chapter shall not create liability on the part of Boise City, or any officer or employee thereof, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

(Ord. No. 5750, Amended, 08/27/96)

Section 11-12-04 ADMINISTRATION

Section 11-12-04.01 Duties of the Boise City Planning Director

The Boise City Planning Director is hereby appointed to administer and implement this Chapter and, as the Floodplain Administrator, shall perform the following duties:

- A. Review all applications for Base Zone District changes, subdivisions, special use permits, conditional use permits and planned developments to determine if the development is within an area of special flood hazard.
- B. Make interpretations, when necessary, of the location of the boundaries of the Floodway and the Floodway Fringe.
- C. Review all applications for Base Zone District changes, subdivisions, special use permits, conditional use permits and planned developments in the Area of Special Flood Hazard to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- D. Issue zoning certificates for those structures which are to be constructed or modified in compliance with the provisions of this Chapter and the other applicable provisions of zoning ordinances of Boise City, Idaho, dated June 2002, and as amended.
- E. Review all applications for Base Zone District changes, subdivisions, special use permits, conditional use permits and planned developments within the Area of Special Flood Hazard for compliance with the provisions of this Chapter and disclose to the Zoning Commission and Boise City Council whether the application is, or is not, in compliance with the provisions of this Chapter.
- F. Obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source when such data has not been provided in the Flood Insurance Study.



- G. Compile and maintain for public inspection all records pertaining to the provisions of this Chapter, including records of all appeal actions and variances, records of first floor elevations, floodproofing certificates, letters of map amendment and all other records required by this Chapter and by Federal regulations.
- H. Notify adjacent jurisdictions and the Idaho Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and require that maintenance be provided within the altered or relocated portion of such watercourse so that the flood carrying capacity of the watercourse is not diminished.
- I. Submit annual reports, and other reports to the Federal Emergency Management Agency, as required and as requested.
- J. When uncertainty exists as to whether a new development is within an Area of Special Flood Hazard, refer the application for the Building Permit or Grading Permit to the Planning Director for a determination of whether the development is within the Floodway or Floodway Fringe.
- K. Require that for all new or substantially improved structures in an Area of Special Flood Hazard along the Boise River or in the gulches, a registered professional engineer or registered land surveyor certify the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of the structure; and record the certified elevation and whether or not the structure contains a basement.
- L. Require that, for all new or substantially improved structures in an Area of Shallow Flooding in an Area of Special Flood Hazard, a registered professional engineer or registered land surveyor shall certify the actual height in feet, as measured from the building edges at the lowest floor height to the highest ground which surrounds the building and record the certified height and whether or not the structure contains a basement.
- M. Require that, for all new or substantially improved floodproofed non-residential structures; a registered professional engineer or registered land surveyor certify that the actual elevation (in relation to mean sea level) to which the structure is floodproofed; and the Boise City Planning and Development Services Director shall maintain copies of the floodproofing certificates as required in Section 11-5-7 of this Chapter.
- N. Issue building or grading permits for new construction, new development, and substantial improvement to structures which are in compliance with the provisions of this Ordinance.

(6208, Amended, 01/21/2003; 5895, Amended, 02/23/1999)

Section 11-12-04.02 Duties of the Boise City Engineer

The Boise City Engineer shall perform the following duties:

- A. Provide technical assistance and information to the Planning Director upon request.
- B. Verify field surveys and technical information submitted by any applicant for new development, upon request of the Planning Director.

(5895, Amended, 02/23/1999)

Section 11-12-04.03 Duties of the Boise City Planning and Zoning Commission

The Boise City Planning and Zoning Commission shall perform the following duties:

- A. Review all applications for Base Zone District changes, subdivisions, special use permits, conditional use permits and planned development to insure that such applications are consistent with the purposes of this Chapter.
- B. Receive and review information supplied by the Planning Director as to whether the application is or is not in compliance with the requirements of this Chapter.
- C. Recommend to the City Council denial of or modification to any application for Base Zone District change, subdivision or special use permit which is not consistent with the purposes and provisions of this Chapter.
- D. Deny or modify any application for a conditional use permit or planned unit development which is not consistent with the purposes and provisions of this Chapter.
- E. Hear and decide request for variances, for new construction and substantial improvement of structures, in accordance with the requirements of Section 11-12-5 of this Chapter.
- F. Generally, the only circumstances under which a variance may be issued are for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size, contiguous to and surrounded by, lots with existing structures constructed below the Base Flood Elevation. Variances may only be approved after the standards provided in Section 11-12-4.3G have been fully considered. As the lot size increased beyond 1/2 acres, the technical justification for issuing the variance increases.
- G. In passing upon requests for variances, the Planning and Zoning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance: and the danger that materials may be swept onto other lands to the injury of others; the danger to life and property due to flooding or erosion damage; the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; the importance of the services provided by the proposed facility to the community; the necessity to the facility of a waterfront location where applicable; the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage; the compatibility of the proposed use with existing and anticipated development; the relationship of the proposed use to the comprehensive plan and floodplain management program for that area; the safety of access to the property in times of flood for ordinary and emergency vehicles; the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, if applicable, expected at the site; and the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities including but not limited to sewer, gas, electrical, water systems, and streets and bridges.
- H. Upon consideration of the factors of Section 11-12-4.3 G. and the purposes of this Ordinance, the Planning and Zoning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

(6208, Amended, 01/21/2003; 5895, Amended, 02/23/1999)

Section 11-12-04.04 Duties of the Boise City Council

The Boise City Council shall perform the following duties:

- A. Deny or modify any application for Base Zone District change, subdivision or special use permit, conditional use permit or planned unit development which is not consistent with the purposes and provisions of this Chapter.
- B. Hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by any administrative office of Boise City in the enforcement or



administration of this Ordinance. Such decisions shall be based on the specific and technical evidence presented relevant to such appeals.

- C. Hear and decide appeals to decisions made by the Boise City Planning and Zoning Commission when it is alleged that such decisions were made erroneously in the enforcement or administration of this Ordinance. Such decisions shall be based on the specific and technical evidence presented relevant to such appeals.

(5895, Amended, 02/23/1999)

Section 11-12-04.05 Application Requirement, Concurrent Review

- A. Application Requirement: Any request for an allowed or permitted use or structure within the floodplain, as defined by this chapter (11-12-03.2), shall be reviewed and acted upon by the Planning Director, who will approve, modify or deny the application in accordance with the standards specified in this chapter. The Planning Director must approve or deny such application within fifteen (15) calendar days of receipt of the application and submit the findings and conclusions and required conditions in writing to the applicant.
- B. Concurrent Review: A Floodplain Review application shall be submitted concurrently with other zoning and development applications, including but not limited to, changes to the Base Zone District, subdivisions, special exceptions, conditional uses, and planned unit developments.

(Ord. No. 5750, Amended, 08/27/96)

(5895, Amended, 02/23/1999)

Section 11-12-05 VARIANCES AND APPEALS

Section 11-12-05.01 Variances Issued by and Conditions for Variances

Variances may be issued by the Planning and Zoning Commission (unless otherwise stated). Conditions for variances for new developments and substantial improvements to existing structures are as follows:

- A. Variances may be issued by the Planning Director for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this Section.
- B. Variances shall not be issued within any designated floodway if any increase in flood levels during the Base Flood discharge would result.
- C. A variance shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. A variance shall only be issued upon: a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, defraudation of or victimization of the public, or conflict with existing local laws or ordinances.
- E. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

- F. Variances may be issued for non-residential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, and otherwise complies with Sections 11-12-7.2 and 11-12-7.3 of the Standards for Uses and Standard for Utilities.
- G. Any applicant to whom a variance is issued shall be given written notice that the cost of flood insurance may be commensurate with any increased flood risk.

Section 11-12-05.02 Appeals, Conditions for Appeals

- A. The applicant or any aggrieved party may appeal the Planning Director's decision or determination to the Planning and Zoning Commission in accordance with 11-03-07.1 (Appeals of Administrative Decisions).
- B. The applicant or any aggrieved party may appeal the Planning and Zoning Commission's decision or determination to the City Council in accordance with 11-03-07.2 (Appeals of Planning and Zoning Commission Decisions). Within ten (10) calendar days after receipt of the appeal, the Council shall establish a date for hearing such appeal and shall notify the appealing party and all persons notified for the previous hearing. The Council, in reviewing the decision of the Planning and Zoning Commission, may sustain or deny the Planning and Zoning Commission, or the Council may amend or modify the decision or determination of the Planning and Zoning Commission by imposing additional or different conditions or limitations.
- C. An appeal which alleges that there is an error in any requirement, decision, or determination made by any administrative officer of Boise City, or by the Planning and Zoning Commission in the enforcement or administration of this Chapter, shall be supported by technical and scientific evidence, which may include, but is not limited to: an actual copy of the recorded plat map showing the property; a topographic map showing ground elevation contours and the curvilinear line representing the area subject to inundation by the Base Flood; and certification by a registered professional engineer or licensed land surveyor of the elevation of the lowest floor (including basement), the elevation of any fill and the date on which the fill was placed, the elevation to which any structure has been floodproofed, and written statement setting forth the error alleged and the basis for appeal.

(Ord. No. 5750, Amended, 08/27/96)

Section 11-12-06 FLOODWAY ZONE

Section 11-12-06.01 Permitted Uses

All uses permitted by the base zone district within the Zoning Ordinance of Boise City, Idaho dated June 2002, and as amended are permitted in Floodway Zones to the extent that the uses are consistent with the standards of this Section.

(6208, Amended, 01/21/2003)

Section 11-12-06.02 Standards for Uses

- A. No new development shall be permitted including fill, new construction, substantial improvements or other development, unless (1) it is public infrastructure, including but not limited to bridges, roadways, sewer and water lines, and (2) a registered professional engineer certifies that there is not any increase in flood levels during the occurrence of the Base Flood discharge, either as a result of the development or its cumulative effect.
- B. If certification for the new development is provided pursuant to paragraph 11-12-6.2 A. above, all new development, new construction and substantial improvements shall comply with the applicable standards for uses in the Floodway Fringe.



- C. Existing structures in the Floodway Zone which are displaced by floodwater shall not be reconstructed.
- D. No alteration or relocation of a water course shall be permitted which would diminish the flood carrying capacity of the water course, or which would result in the flooding of lands which are not subject to flooding prior to such alteration or relocation of the water course, or which will result in adverse effects on other properties due to increased velocities or heights of floodwaters.
- E. Uses on parcels which include any portion of a floodway shall provide for channel stabilization, bank stabilization, or a setback from the edge of the floodway sufficient to protect the use from flood related erosion. Such measures shall be reviewed by a registered professional engineer for effectiveness for the flood flow and velocity conditions anticipated at the site.
- F. Check dams shall be designed and reviewed by a registered professional engineer, and reviewed and approved by the Boise City Engineer to ensure the safety of persons and property which could be affected by the construction of the check dam.
- G. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, other development (Including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(6208, Amended, 01/21/2003)

Section 11-12-06.03 Prohibited Uses in the Floodway Zone

- A. New construction or substantial improvements of residential and non-residential structures, including both principal or accessory use structures, except as provided in 11-12-06.2A.
- B. Manufacture and storage of materials which are buoyant, flammable, toxic or explosive, or which may present a hazard to public health or safety in time of flooding.
- C. Standards for Sand and Gravel Extraction - Material stockpiles and permanently installed structures shall not be located within the floodway.

Section 11-12-06.04 Relocating the Floodway (Line)

- A. All proposals to relocate and/or redefine the floodway boundary lines require a resolution from the Boise City Council to adopt the amendments to the Floodway Insurance Rate Map, Floodway Boundary Maps, Floodway Maps, and the Flood Profiles. The procedure shall include a review by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, the Boise City Department of Public Works, and the Boise City Planning and Development Department, prior to submittal to the City Council.
- B. The Floodway Boundary Line may be relocated due to refinements of the floodway calculations based upon new information concerning the existing conditions.
- C. The floodway boundary line may not be relocated through physical alterations to the lands in the floodplain.

(Ord. No. 5750, Amended, 08/27/96)

Section 11-12-07 FLOODWAY FRINGE (FF) ZONE AND AREA OF SHALLOW FLOODING

(ASF) ZONE

Section 11-12-07.01 Permitted Uses

All uses permitted in the base zone district within the Zoning Ordinance of Boise City, Idaho dated June 2002, and as amended, are permitted in the Floodway Fringe Zone and Area of Shallow Flooding Zone to the extent that such uses are consistent with the standards within this Section 11-12-7.

(6208, Amended, 01/21/2003)

Section 11-12-07.02 Standards for Uses

- A. All new development shall utilize methods and practices, except for levees, that minimize flood damage potential to the development and prevent the increase in flood damage potential to other properties.
- B. All new development shall utilize materials and utility equipment resistant to flood damage.
- C. All new construction and substantial improvements to structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- D. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
- E. Drainage practices shall be utilized which minimize exposure to flood hazards.
- F. Manufacture and/or storage of material which is buoyant, flammable, toxic or explosive is prohibited.
- G. River crossings shall be designed to withstand the flows and velocities of the base flood discharge.
- H. All development and structures shall meet or exceed the requirements of the Boise River System Ordinance (Chapter 16 of this Ordinance) if applicable.
- I. Water velocities within the floodplain are not significantly increased so as to cause adverse effects on the site or to surrounding properties.
- J. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(6208, Amended, 01/21/2003)

Section 11-12-07.03 Standards for Utilities

- A. All new and replacement water supply systems shall be designed to prevent infiltration of flood waters into the systems.
- B. New and replacement wastewater disposal systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- C. On-site waste disposal systems are prohibited in the Floodway Fringe Zone and Area of Shallow Flooding Zone.



- D. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Section 11-12-07.04 Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage reduce exposure to flood damage.
- D. Base flood elevation data shall be provided and shown on the preliminary plat for all subdivision proposals. Such elevation data shall be certified by a registered professional engineer or registered land surveyor.
- E. Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

(6208, Amended, 01/21/2003)

Section 11-12-07.05 Standards for Residential Structures

- A. New construction and substantial improvement of any residential structure (including but not limited to mobile or manufactured homes) located in the Floodway Fringe shall have the lowest floor including basement, elevated one foot (1') above the base flood elevation. New construction and substantial improvement of any residential structure located in the Area of Shallow Flooding shall have the lowest floor, including basement, elevated to the Base Flood level. The height of the adjacent grade and the lowest floor including basement and/or the first floor shall be certified by a registered professional engineer or registered land surveyor.
- B. Fully enclosed areas below the lowest floor that are subject to flooding 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 and must meet or exceed the following minimum criteria:
 - 1. A minimum of two openings 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.
 - 2. The bottom of all openings shall be no higher than one foot above grade.
 - 3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6208, Amended, 01/21/2003; Ord. 5894, Amended, 02/09/1999)

Section 11-12-07.06 Standards for Manufactured Homes

- A. All manufactured homes must be placed or substantially improved on sites:
 - 1. Outside of a manufactured home park or subdivision,
 - 2. In a new manufactured home park or subdivision,
 - 3. In an expansion to an existing manufactured home park or subdivision, or

- 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood.

Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- B. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of "A" above, be elevated so that either:
 - 1. The lowest floor of the manufactured home is at or above the base flood elevation, or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(6208, Amended, 01/21/2003)

Section 11-12-07.07 Standards for Nonresidential Structures

- A. Elevating: New construction and substantial improvement of any nonresidential structures shall meet the following:
 - 1. When located in the Floodway Fringe, such structures shall have the lowest floor, including basement, elevated to one foot (1') above the base flood elevation.
 - 2. When located in the area of shallow flooding, such structures shall have the lowest floor, including basement, elevated to the level of the base flood.
 - 3. Elevations of adjacent grade and the first floor shall be certified by a registered professional engineer or registered land surveyor to the Building Director.
 - 4. Nonresidential structures that are elevated, but not floodproofed, must meet the same standards for space below the first floor as described in 11-12-07.5
- B. Floodproofing: In lieu of elevating nonresidential structures as required in Section 11-12-7.6 A. above, new construction and substantial improvement of any nonresidential structures shall meet the following:
 - 1. When located in the Floodway Fringe, such structures together with attendant utility and sanitary facilities shall be floodproofed to one foot (1') above the base flood level so the structure is watertight with walls substantially impermeable to the passage of water.
 - 2. When located in the Area of Shallow Flooding, such structures, together with attendant utility and sanitary facilities, shall be floodproofed to the base flood level so the structure is watertight with walls substantially impermeable to the passage of water. Such floodproofing may not be required if a registered professional engineer certifies that such floodproofing is not necessary to resist hydrostatic and hydrodynamic loads and the effects of buoyancy because uplift will not occur due to the nature of the flood, provided however, that floodproofing of attendant utility and sanitary facilities is still required.
 - 3. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.



4. A registered professional engineer shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Subsection (11-12-07.6 B.) based on their review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Director.

(5895, Renumbered, 02/23/1999)

Section 11-12-07.08 Standards for Accessory Structures and Uses

- A. New accessory structures are prohibited in the floodway. Accessory structures shall not exceed the following standards if constructed or placed in the Floodway Fringe:
1. Accessory structures to nonresidential principal uses shall meet the standards listed in Section 11-12-7.6 if the accessory structure exceeds 1,000 square feet in size.
 2. Accessory structures to residential principal uses shall not exceed 1,000 square feet in size; or 40% of the area of the rear yard of the property; or have construction costs of more than 10% of the market value of the principal residential structure, whichever is the least.
- B. Accessory structures and uses shall be designed to have a low flood damage potential and shall be placed on the building site and constructed so as to offer the minimum resistance to the flow of floodwaters.
- C. Accessory structures shall meet the requirements of paragraph 11-12-07.2 of this Chapter, Standards for Uses.

(Ord. No. 5750, Amended, 08/27/96)

(6208, Renumbered, 01/21/2003)

Section 11-12-07.09 Standards of Recreational Vehicles

- A. Recreational vehicles placed on sites within areas of special flood hazard (ASFH) or areas of shallow flooding (ASF) as identified on the City's most recently adopted Flood Insurance Rate Map (FIRM) shall either:
1. Be on the site for fewer than 180 consecutive days,
 2. Be fully licensed and ready for highway use, or
 3. Meet the permit and elevation requirements of paragraph 11-12-07.05A and the anchoring requirements of Section 11-12-07.02C of this section for "manufactured homes".

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(6208, Added, 01/21/2003)

Section 11-12-08 UNNUMBERED "A ZONES"

Section 11-12-08.01 Permitted Uses

All uses permitted in the Base Zone District within the Zoning Ordinance of Boise City, Idaho, dated June 2002, and as amended, are permitted in the Unnumbered "A Zone" to the extent that such uses are consistent with the standards within this Section



(6208, Amended, 01/21/2003)

Section 11-12-08.02 Standards for Uses

- A. The use shall meet the standards listed in Sections 11-12-7.2 A through H.
- B. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 11-12-4.1 F.) applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- C. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

Section 11-12-08.03 Standards for Utilities

- A. The utilities shall meet the standards listed in Sections 11-12-7.3 A through D.

Section 11-12-08.04 Standards for Subdivision Proposals

- A. The subdivision shall meet the standards listed in Sections 11-12-7.4 A through D.

Section 11-12-08.05 Standards for Residential Structures

- A. The residential structures shall meet the standards listed in Section 11-12-7.5 A through D.

Section 11-12-09 CRITICAL FACILITIES

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(6208, Added, 01/21/2003)

Section 11-12-10 PENALTIES

Any violation or noncompliance with the provisions of this Chapter shall be subject to all of the remedies and enforcement available under Title II, Chapter 1, of the Boise City Code and Title 67, Chapter 65, of the Idaho Code, including but not limited to criminal misdemeanor and civil injunction action.

(6208, Renumbered, 01/21/2003)

Section 11-12-11 SEVERABILITY

Should any section, clause or provisions of this Chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Chapter as a whole or any part thereof other than the part so declared to be invalid, each Section, Clause and Provision hereof being declared severable.

(6208, Renumbered, 01/21/2003)

Section 11-12-12 FILING FEES AND COSTS

For all developments falling under this Floodplain Ordinance, filing fees and costs shall be set by the Boise City Council pursuant to the adopted resolution and shall be subject to periodic amendment by resolution. A copy of the current fee schedule for floodplain developments shall be kept for public inspection in the offices of the City Clerk, Planning and Zoning Department, Building Department, and the Public Works Department.

(6208, Renumbered, 01/21/2003; 5169, Added, 06/20/1989)



**APPENDIX 3:
HILLSIDE AND FOOTHILL AREAS
DEVELOPMENT ORDINANCE**



Chapter 11-14

HILLSIDE AND FOOTHILL AREAS DEVELOPMENT ORDINANCE

Sections:

11-14-01	HILLSIDE AND FOOTHILL AREA; DEVELOPMENTS
11-14-01.01	Purpose & Intent
11-14-02	DEFINITION OF HILLSIDE AREAS & DEFINITIONS
11-14-02.01	Definition of Hillside Areas
11-14-02.02	Definitions
11-14-03	JUSTIFICATION, APPLICABILITY & PROCEDURES
11-14-03.01	Applicability
11-14-03.02	Permit Required
11-14-03.03	Completed Application Required
11-14-03.04	Review Process
11-14-03.05	Findings of Fact and Conclusions of Law
11-14-03.06	Application Procedure
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11-14-11	ROADWAYS AND CIRCULATION
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Section 11-14-01 HILLSIDE AND FOOTHILL AREA; DEVELOPMENTS

Section 11-14-01.01 Purpose & Intent

It shall be the purpose of these regulations to provide for the development of hillside and foothill areas in a manner consistent with the Metro Plan goals, objectives and policies. Development shall be undertaken in a manner which will protect life and property from hazards due to slope, erodible soils, unstable soils, earth movement and other geologic and hydrologic hazards.

It shall also be the intent of these regulations to promote the following:

- A. To maximize choice in types of environment available in the City and particularly to encourage variety in the development pattern of the hillsides.
- B. To use to the fullest current understanding of good civic design, landscape architecture, architecture, geology and civil engineering to preserve, enhance and/or promote the existing and future appearance and resources of hillside areas.
- C. To preserve or enhance the beauty of the landscape by encouraging the maximum retention of natural topographic features, such as drainage gullies and swales, streams, slopes, ridge lines, rock outcrops, vistas and natural plant formations.
- D. To promote a safe means of ingress and egress for vehicular and pedestrian traffic to and within hillside areas while at the same time minimizing the scarring effects of hillside street construction. Roads shall follow natural topography wherever possible to minimize cutting and grading.

- E. To encourage the creation of buildings suited to the natural hillside surroundings through imaginative and innovative building techniques.
- F. To enhance surrounding neighborhood character.
- G. To encourage variation in architectural design to reduce grading.

(6119, Amended, 01/08/2002)

Section 11-14-02 DEFINITION OF HILLSIDE AREAS & DEFINITIONS

Section 11-14-02.01 Definition of Hillside Areas

The provisions of this section shall apply to any development proposal for properties when any topographical slope exceeds fifteen percent (15%) or where adverse conditions associated with slope stability, expansion soils, high water table and springs, erosion or sedimentation are present as determined by the Planning Director or City Engineer. Lands within the Boise City Limits, including but not limited to the foothills, hillsides, and the bench areas, shall be subject to this code.

(5916, Amended, 05/18/1999)

Section 11-14-02.02 Definitions

APPENDIX, CHAPTER 33, UNIFORM BUILDING CODE:

Portion of the Uniform Building Code that specifically regulates grading on private property.

APPROVED TOPOGRAPHY:

The natural topography of a parcel or the topographic conditions of a parcel approved by the City prior to the effective date of this Ordinance, or as approved by a subdivision, conditional use permit, hillside and foothill development permit, grading permit or building permit. (Ord. 5427, 12-01-92)

BUILDING ENVELOPE:

The designated area on a lot within which a building or other structure (including footings) must be contained. (Ord. 5427, 12-01-92)

COMMON SPACE:

An areas jointly owned by all of the lot owners in a subdivision, and generally listed for specific uses i.e. recreation area, parking, landscaping or others.

CUT:

To grade into a hillside to create a flat area or to steepen a bank. The mechanical removal of earth material.

CUT & FILL:

The excavating of earth material in one place and depositing of it as fill in different place.

DEEP ROOTED PLANTS:

Shrubs and grasses that have an extensive root system and are useful for soils stabilization.



ENHANCE:

To heighten, improve and augment.

EROSION:

The process by which the soil and rock components of the earth's crust are worn away and removed from one place to another by natural forces such as wind and water.

ESSENTIAL GRADING:

The minimum amount of grading required to complete the project proposed and still provide safe access and development of building sites consistent with the concept of the development.

FILL:

A deposit of earth material placed by mechanical means.

FINAL PLAT:

A plan of a subdivision, dedication or any portion thereof prepared for filing and recording by the Ada County Recorder and containing those elements and requirements set forth in the Subdivision Ordinance (Section 9-20-6 B.C.C.). A final plat, upon its being filed and recorded by the Ada County Recorder, shall thereafter be known as an authorized plat, subdivision or dedication.

GRADING:

Any excavation, filling or movement of earth for purposes of changing the shape or topography of the land. (Ord. 5427, 12-01-92)

LIMITS TO GRADING:

The maximum extent of grading allowed on an individual lot or parcel. Limits to grading including but not limited to height and depth of cut or fill or both; side slope; amount of excavated material; engineering requirements; area of disturbance; and location (when lot is restricted by a building envelope.) (Ord. 5427, 12-01-92)

OPEN SPACE:

An open area for a visual amenity, and/or passive or active recreation.

PERCENT SLOPE:

Percent slope shall be defined as the vertical rise divided by the horizontal distance, within which the vertical rise takes place.

PRELIMINARY PLAT:

A preliminary plan of a proposed subdivision or dedication, that provides sufficient information to allow public review and evaluation. Minimum information required for a preliminary plat is identified under the City's Subdivision Ordinance (Section 9-20-6 B.C.C.) and the City's Hillside and Foothill Areas Development Ordinance (Section 11-14-5 B.C.C.).

PRESERVE:

To maintain and protect.

PROJECT ENGINEER:

Professional engineer registered in the State of Idaho retained by the developer to supervise a specific development or phase of a development.

PUBLIC PATHWAY:

A public path used by walkers and/or bicyclists.

REVEGETATE:

To replant an area with vegetation (trees and/or shrubs and/or grasses).

UNDISTURBED LAND:

Land whose topography has not been changed by acts of man.

(6119, Amended, 01/18/2002)

Section 11-14-03 JUSTIFICATION, APPLICABILITY & PROCEDURES

The hillside and foothill development permit process provides an opportunity for land development in hillside and foothill areas that protects the public health and welfare, preserves natural features, allows efficient provision of services and provides for common open space and other amenities as supported by adopted plans, goals and policies of Boise City. This permit process recognizes that hillside areas often have special environmental concerns including fragile soils, vegetation and habitat, and unique drainage and grading requirements. Therefore, the process allows for the notification of surrounding property owners and residents, and additional time for staff to review the project proposal for compliance with standards for hillside and foothill areas development.

Section 11-14-03.01 Applicability

A hillside and foothill development permit shall be required for all developments with slopes that exceed 15% or where adverse conditions associated with slope stability, expansive soils, high water table and springs, erosion or sedimentation are present as determined by the Planning Director or City Engineer. All lands within the Boise City Limits, including but not limited to the Boise Foothills and the bench areas, shall be subject to this code. This permit shall be in addition to and not in lieu of other applications that may be required or voluntarily submitted such as planned unit development (PUD), conditional use, and subdivision applications. Subdivision plat applications in hillside areas must be accompanied by a detailed or conceptual hillside and foothill development permit application. Submittal of a PUD application is not required but if submitted it must be accompanied by a hillside and foothill development permit application in either a detailed or conceptual form. Developers with projects that require conditional use approval must submit a conditional use application and a hillside and foothills development permit application. There are three categories of permits as described below.

A. Category I Permit: Shall apply to all requests for exterior additions to existing structures; or for new construction; or for grading on any lot(s) or parcel(s) involving significant modification of the approved topography; including but not limited to the following:

1. Retaining walls over 4 feet in height; or, more than one retaining wall when the horizontal distance between retaining walls is less than 10 feet and the sum total of all retaining walls exceeds 4 feet in height. Such retaining walls shall be reviewed for structural integrity, impacts on drainage and soil stability and potential physical impacts on adjoining properties.

2. Proposed cuts exceeding those described in Uniform Building Code Appendix Section 3306.2.8 and fills exceeding those described in Section 3306.2.9 as set forth below.
 - a. An excavation which (1) is less than 2 feet in depth, or (2) which does not create a cut slope greater than 5 feet in height and steeper than 11/2 horizontal to 1 vertical.
 - b. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, or less than 3 feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.
 - c. Projects which are within the limits defined in paragraphs a. and b. above may be considered as a Category III project.
 3. Access roads or driveways in excess of 100 feet in length or in excess of 15% grade. Such driveways shall be reviewed for impacts on drainage and soil stability, emergency access, access to the public street and potential physical impacts on neighboring properties.
 4. Multiple retaining walls located within setbacks, per Section 11-09-07.02.
- B. Category II Permit: Shall apply to all requests for PUDs, conditional use permits, preliminary subdivision plats, or for grading on any lot(s) involving modification of the approved topography that is beyond that allowed under Categories I and III Permits including but not limited to the following:
1. Projects where the Planning and Development Services Department determines that a lot or parcel may be subject to slope stability or drainage problems;
 2. Projects involving modification of pre-graded lots in excess of 30% of the volume of previous excavation or fill or 30% of the surface area by square footage.
 3. Projects involving modification of lots with natural topography in excess of 30% of the surface area of the lot.
 4. Projects not defined as a Category I or III Permit but that fall under the purview of this chapter.
- C. Category III Permit: Shall apply to minor, routine construction on prepared building pads and other single lot projects that do not involve significant grading.

Examples of Category III Projects are:

1. For a single-family residential structure, or accessory structure, that is placed upon a prepared lot pad without significant modification, within a development which has previously been granted a Category II permit.
2. For a single-family residential structure or accessory structure, that is placed upon an existing lot of record; complies with previously approved building envelopes and limits to grading; and, for which the criteria identified in the Category I permit are not exceeded.

The Planning Director, with input from the City Engineer, shall determine whether or not an application may be processed as a Category III Permit. Upon submittal of documentation that a project is not a Category I or II Permit, approval may be granted by the Planning Director without

a worksession, public hearing or formal application review.

- D. Concurrent Review: Hillside and Foothill Development Permits shall be reviewed concurrently and/or simultaneously with other zoning and development applications requiring Commission action whenever possible. The Planning and Development Services Department shall coordinate the scheduling of related applications to streamline the review process to the greatest extent possible.

(6315, Amended, 04/20/2004; 6119, Amended, 01/08/2002; 5916, Amended, 05/18/1999; 5895, Amended, 02/23/1999)

Section 11-14-03.02 Permit Required

If a request meets the definition of a Category I or II Permit or the request is a modification to an existing permit, an application and fee shall be filed with the Planning Director in accordance with Section 11-14-15 of this chapter. An application and fee shall not be required for Category III projects.

Section 11-14-03.03 Completed Application Required

Information and plans as required in Section 11-14-5 Preliminary Required Information, shall be submitted and accepted, if adequate, by the Planning Director and City Engineer. The difference in scope between Category I and II applications shall be recognized in the amount of information required. The time period for Planning Director or Commission action shall not be initiated until an application is deemed complete by the Planning Director and the City Engineer.

Section 11-14-03.04 Review Process

The review process for each permit category shall be as follows:

- A. Category I Hillside & Foothills Development Permits: An application, fee and all required reports and plans specified in this Chapter shall be submitted to the Planning Director. The Planning Director shall review and take action upon all Category I Hillside and Foothill Development Permit applications.
1. The Planning Director must approve or deny such application within fifteen (15) calendar days of receipt and acceptance of a complete application and shall submit the findings, conclusions and any required conditions in writing to the applicant. The Planning Director's decision shall be based upon the technical findings required within this chapter and the findings that the applicant has demonstrated to the satisfaction of the City Engineer and Planning Director that the proposed alteration meets all applicable standards identified in this chapter.
 2. Notice of approval of a Category I Hillside and Foothill Development Permit shall be sent to property owners and residents within 300 feet of the boundaries of the project advising them of the approval and of their appeal rights.
 3. Property owners and residents shall have 10 calendar days from the postmark on the approval letter to appeal the decision to the Planning and Zoning Commission. All appeals must be in writing and must state clearly how the approval violates the requirements of this chapter. Failure to provide this information will render the appeal void.
- B. Category II Hillside and Foothill Development Permits: An application fee and all required reports and plans specified in this Ordinance shall be submitted to the Planning Director and scheduled for public hearing before the Planning and Zoning Commission.

1. A Category II Hillside and Foothill Development Permit involving more than one lot requires a public work session conducted by the Planning Director prior to public hearing. The worksession shall be held approximately thirty-three (33) calendar days after acceptance of a completed application. A public hearing shall be held no later than sixty-six (66) calendar days after acceptance of a completed application. Deferrals due to a lack of Commission quorum or a request by the applicant shall extend the time during which the hearing must be held.

A Category II Hillside and Foothill Development permit involving a single-family dwelling on a single lot shall not require a worksession but shall be subject to the notice and public hearing requirements of other Category II Permits.

2. Upon the determination of the Planning Director that an application is unusually complex and requires additional review, the date for the public worksession and for public hearing may be extended up to 33 additional days to a maximum of 66 days for the worksession and 99 calendar days for the public hearing. This extended review period is to allow for adequate staff research and analysis, agency review and comment, public input, coordination with other city departments and coordination with the applicant.
3. Notice of Hearing and Publication: At least 15 days prior to the worksession and public hearing, notice of the time and place and a summary of the proposal shall be published in a newspaper of general circulation within the city. Notice shall be provided to property owners, purchasers of record and residents within 300 feet of the external boundaries of the project in accordance with Section 11-3-6.1 of the Zoning Ordinance.

The Planning Division shall also notify known interested parties such as organized neighborhoods, public agencies including land management agencies, environmental organizations (such as the Foothills coalition, the Wetlands Coalition, the Friends of Military Reserve Park, etc.), city departments, etc. Failure to notify any party claiming to be an interested party shall not be grounds for deferral of the scheduled hearing or for invalidation of the decision.

- C. Commission Action: Following the hearing, the Commission shall approve, deny or modify the application, and may impose conditions of approval to ensure conformance with the technical requirements of this chapter. The Commission may also approve changes from the base zoning district standards except for uses and density.

(5895, Amended, 02/23/1999)

Section 11-14-03.05 Findings of Fact and Conclusions of Law

- A. The findings of facts and conclusions of law to support decisions on hillside and foothill development permit applications must be based upon compliance with this chapter and may only be approved when the evidence presented supports the following finding of fact and conclusions of law:
 1. That the proposed development is in compliance with the technical requirements of this chapter including those related to grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique features; and
 2. That the proposed development, if it complies with all conditions imposed, will not adversely affect other property in the vicinity; and
 3. That the land itself is capable of the volume and type of development proposed as determined by geological, hydrological and soils engineering analysis; and

4. That the project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.

5. That the proposal complies with all requirements of the Zoning Ordinance for foothills gulches including the requirements of this chapter and the Floodway and Floodplain Ordinance.

- B. The hillside and foothills development permit process is established to assure project compliance with this chapter and to provide a public notification and hearing process for all Category I and II projects. Annexations, zone changes, conditional use permits and subdivision applications submitted prior to or in conjunction with hillside and foothill development permit applications must comply with all respective zoning ordinance requirements including compliance with the Boise Metropolitan Plan.

Section 11-14-03.06 Application Procedure

A hillside and foothill development permit may be obtained by submitting an application(s) in one or two stages as follows:

- A. As a detailed hillside and foothill development plan, on an application form to be provided by the Planning Director and including all information required by this chapter.
- B. As a conceptual master plan.
 1. The applicant must specify on the application form that concept approval is being requested and must be accompanied by a request for rezoning if the land is not zoned for the intended use. A concept approval is a statement by the City of Boise that a general development plan including the general arrangement of uses, density, location of major streets, open spaces, utilities, etc. is acceptable. A concept review allows the applicant to obtain approval of a general development plan without incurring the expense of preparing detailed building plans until after the concept approval. It provides the developer and the City with guidelines for the design of each phase of a project. Supporting information shall be required for concept applications as determined by the Planning Director.
 2. A concept plan which falls under the purview of this chapter will by its nature require more detailed engineering studies than concept plans in less sensitive areas. Therefore, at least generalized plans for drainage, grading and utility service shall be provided with the application.
 3. Each phase of a concept approval requires detailed hillside and foothill development approval through a new application, fee and public hearing. Conditions attached to applications for detailed hillside and foothill approval shall not exceed the parameters of the conditions of approval attached to the concept plan so long as the concept plan has not expired. Submittal requirements are the same as for a detailed hillside and foothill development application that is processed and reviewed in one step.
- C. Hearings: The concept and detailed Hillside and Foothill Development applications are both subject to the public hearing requirements of Section 11-14-14-4.2.
- D. The requirement for a public worksession on phases of a conceptual master plan may be waived by the Planning Director if:
 1. The detailed submittal conforms to the approved concept plan.
 2. The phase of the project involves development on slopes less than 15%.

Section 11-14-03.07 Term of Permits



- A. Because of the special problems related to hillside developments, the applicant/ developer shall have 36 months in which to effect a hillside and foothill development permit after approval by the Commission. Within this period, the holder of the permit must:
1. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, streets, or building foundations; or
 2. Commence the use permitted by the permit in accordance with the conditions of approval; or
 3. For conceptual hillside and foothill development permits, submit an application for a detailed hillside and foothill development permit; or
 4. For projects which require platting, the plat must be recorded within this time frame.
 5. For phased projects each phase must be submitted within 24 months from the date of the concept approval or the date of approval of the previous phase, unless the Commission specifically approves a different phasing schedule.
- B. The Commission may also fix the time or period within which the permit shall be completed, perfected or bonded. If the conditions of approval are not completed or bonded within such period, said permit shall lapse.

Section 11-14-03.08 Extensions

- A. The Commission may, upon written request by the holder, grant a one-year time extension to an unexpired conceptual or detailed hillside and foothill development permit. A maximum of three extensions may be granted to initiate the project or a phase of a project. Additional conditions of approval may be required based upon the existence of legal requirements not existing at the time of the original approval. Upon receipt of written request for extension, the Planning Director shall determine if a hearing on the request is required, based on the following considerations:
1. Detailed Permits:
 - a. Whether there have been significant amendments to the Boise Metropolitan Plan or Title 11, Boise City Code, which will apply to the subject permit; or
 - b. If significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; or
 - c. Whether hazardous situations have developed or have been discovered in the project area; or
 - d. If community facilities and services required for the project have become inadequate.
 2. Conceptual Master Plans: Concept plans are encouraged to facilitate good planning in the Boise foothills. Developers must have some assurance that concept plans that have been initiated in accordance with existing ordinances and conditions of approval may be completed under the originally applied Standards. Therefore, approved conceptual master plans will not be subject to new ordinance requirements if the following findings are made:
 - a. The applicant has made significant on and off-site improvements that implement the overall plan such as the extension or on-site installation of water mains, sewer lines,

streets, utilities, etc.

- b. If development of previous phases of the plan have occurred in such a manner that it is physically impossible or economically unfeasible to comply with the new ordinance standards.
 - c. The applicant demonstrates that application of the new standards will make it impossible or totally unfeasible to complete the remaining phases of the concept plan.
 - d. If any of the considerations in a., b. or c. above are found to exist with regard to the project for which an extension is sought, a hearing shall be required.
3. If a hearing is required, notice shall be provided as described in Section 11-14-3.4 and a new application and fee must be submitted in compliance with current plans and ordinances and in accordance with the application procedures of this Chapter.

Section 11-14-03.09 Modification and Revocation

- A. Upon application by the holder of a hillside and foothill development permit, the Commission may modify the conditions and limitations of the permit in accordance with the limitations and requirements of Section 11-14-3.4, Boise City Code. The Commission may revoke or modify a hillside and foothill development permit, upon notice and hearing, for breach or violation of any condition or limitation of said permit.
- B. Administrative Review:
1. The Commission may delegate to the Planning Director authority to consider minor modification to approved hillside and foothill development permits. Modifications to Category I permits shall be limited to the following considerations:
 - a. A reduction in development density which does not exceed 25% of the total units.
 - b. A relocation of dwelling units, building pads, or building envelopes for some practical reason such as road alignment, topography, access, solar access or stability in hillside areas.
 - c. A change in the approved phasing plan or schedule.
 - d. A modification to recreation area or open space design, but not elimination or significant reduction.
 - e. Minor change in proposed location of building envelope.
 2. Prior to approving such minor modifications the Planning Director shall determine that the following are true:
 - a. The requested modification was not specifically appealed during the public hearing process; and
 - b. The requested modification will not cause adverse physical impacts on adjacent properties. (Repealed and Reenacted, Ord. 5427, 12-1-92)

Section 11-14-04 HILLSIDE DEVELOPMENT AND STANDARDS

All development proposals shall take into account and shall be evaluated by the way in which land use planning, soil mechanics, engineering geology, hydrology, civil engineering, environmental and



civic design, architectural and landscape design, and related disciplines are applied in hillside areas, including but not limited to:

- A. Planning of development to take into account the topography, soils, geology, vegetation, outstanding features such as outcropping and cliffs, hydrology and other conditions existing on the proposed site;
- B. Orientation of development on the site so that grading and other site preparation is kept to a minimum;
- C. Completion of essential grading during site preparation, rather than left for future lot owners so that:
 - 1. Shaping shall blend in with existing natural land forms to minimize the necessity of padding and/or terracing of building sites; and
 - 2. Building pads and terracing shall be graded with contour rounding and other techniques to blend into the natural contours.
- D. Projects shall be phased into workable units for which construction shall be scheduled to minimize soil disturbance and to control erosion in accordance with the approved erosion control plan.
- E. Completion of paving within sixty (60) days after final grading (final grading deemed to be the grading done after the placement of utilities).
- F. Allocation for open spaces and recreational uses of areas not well suited for development because of soil, geology, vegetation or hydrology limitations.
- G. Minimizing disruption of existing plant and animal life.
- H. Minimizing soil disturbance.
- I. Inclusion of innovative concepts for slope and soil stabilization, grading, and landscaping is encouraged.
- J. Provision of multiple access points to meet requirements of Fire Department and Ada County Highway District.
- K. Provision of pedestrian access to and through the project.

Section 11-14-05 PRELIMINARY REQUIRED INFORMATION

The following information shall be required in conjunction with Conditional Use Permit and Preliminary Plat applications and shall be reviewed by both the Planning Director and the City Engineer.

This information shall be developed by a licensed, Idaho professional, competent to practice in the subject matter.

Technical reports as listed in this section will be required for all projects falling under the purview of this Section. The applicant may submit these reports in two (2) steps or as final technical reports accompanying the preliminary information stage (i.e., Conditional Use Permit, Design Review Permit, or Preliminary Plat applications), at the applicant's option.

A preliminary report, submitted with the Conditional Use Permit or Preliminary Plat applications may

consist of information derived from existing documents. Sufficient information shall be provided to permit a determination by the City Engineer or his/her designee and the Planning and Zoning Commission of the probable adequacy of the site of the proposed development. Any Preliminary Plat approved based upon a preliminary report shall be subject to the findings of the final report. Further identification of preliminary report requirements are identified in Appendix 'A' Requirements for Technical reports, of this ordinance.

Applicants may request of the City Council extensions for submission of final plats within two (2) years after preliminary plat approval. The City Council may grant extensions on a one year basis with the number of time extensions being determined by the City Council. If extensions are approved, the City may update and add conditions based on policy and/or ordinance changes.

If the proposed use is an allowed use in the proposed zone and no Preliminary Plat is required, the applicant shall submit both the preliminary and final required reports at the discretion of the Building Department.

- A. Preliminary Geotechnical Engineering Reports: Any area proposed for development shall be investigated to determine its general soils characteristics. This report shall include conclusions and recommendations regarding the effect of soils conditions on the proposed development and opinions and recommendations covering the adequacy of site to be developed.

Preliminary soils engineering reports shall be completed by a licensed Idaho professional, experienced and knowledgeable in the practice of soil mechanics, and competent to practice in the subject matter.

- B. Preliminary Geology Report: Any area proposed for development shall be investigated to determine its general geological characteristics. This report shall include a complete description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development and opinions and recommendations covering the capability of sites to be developed.

Preliminary engineering geology reports shall be completed by a licensed Idaho professional, experienced and knowledgeable in the practice of engineering geology or geological engineering and competent to practice in the subject matter.

- C. Preliminary Hydrology Report: Any area proposed for development shall be investigated to determine its general hydrologic characteristics. This report shall include a complete description of the hydrology of the site, conclusions and preliminary recommendations regarding the effect of hydrologic conditions on the proposed development and opinions and recommendations covering the suitability of sites to be developed.

The preliminary hydrological engineering reports shall be completed by a licensed Idaho professional, experienced and knowledgeable in the practice of hydrology and in the techniques of hydrologic investigation and competent to practice in the subject matter.

- D. Preliminary Grading and Drainage Plans: A preliminary grading and drainage plan shall be submitted with each preliminary proposal. The plan shall be designed to ensure that the lots within the development are able to conform to Appendix Chapter 33, of the Uniform Building Code. The plan shall cover the total site and include, but not be limited to, the following information:

- 1. Existing contours (two foot intervals) of property. Horizontal scale shall be 50 feet or less per inch.

- 2. Location of any existing buildings, structures, rock outcrops and other visual features on the property where the work is to be performed, and on land of adjacent owners within one



hundred feet (100') of the property or which may be affected by the proposed grading operations, and proposed or approximate locations of structures relative to adjoining topography.

3. Approximate limiting dimensions, elevations and finish contours to be achieved by the grading, proposed elevations at lot corners and at 100' maximum intervals along centerline of street, delineation of cut and fill areas, steepness of all cut and fill slopes, proposed drainage channels and related construction.
 4. Preliminary drainage plans showing approximate locations for all surface and subsurface drainage devices, retaining walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage area, the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development and the estimated runoff of the area served by the drains.
 5. A preliminary plan for erosion control.
- E. Preliminary Revegetation Plan: The preliminary revegetation plan/report shall identify the areas to be revegetated, existing vegetation, slope preparation, top soil conditioning and placement, seed mix and application rate, mulch application rate, time of seeding and proposed method of providing moisture for germination of seed and plant growth.

The plan/report shall be prepared by a licensed Idaho professional, who has experience with and knowledge of vegetation, soils and climate of the Boise Foothills, and competent to practice in the subject matter.

(6119, Amended, 01/08/2002)

Section 11-14-06 PROJECT ENGINEER

- A. To ensure the necessary coordination of the project, the developer shall retain a professional engineer registered in the State to serve as Project Engineer.
- B. It shall be the responsibility of the developer to ensure that the Project Engineer:
 1. Submits all required reports (see Sections 11-14-5 (A-E) and 11-14-7 (A-E)).
 2. Prepares the preliminary and final grading and drainage plans.
 3. Incorporates into the grading and drainage plans all appropriate recommendations contained in the soils, geology, hydrology and revegetation reports. The project engineer shall submit a detailed statement of how the recommendations of the various reports were incorporated in the final grading and drainage plans.
 4. Reviews the working drawings and specifications for all work within the project for compliance with approved plans and specifications except that work done by independent utility companies not under the control of the developer.
 5. Acts as coordinating agent if the need arises for liaison between other professionals, the developer, the City and other government entities.
 6. During construction phase, monitors construction activity on a daily basis, reviews compaction test data, submits periodic reports and holds periodic meetings as required by the City Engineer.
 7. Coordinates submittal to the City Engineer the final reports (as-graded grading plan,

soils-grading report, geologic grading report) per Section 3318.1 of Appendix Chapter 33, Uniform Building Code.

8. Field staking of the centerline of streets, top and toe of cuts and fills, and other features shall be provided if requested by the City Engineer of Planning Director.
- C. Prior to and during grading operations, compaction data, and any reports concerning changed conditions in soils, geology, hydrology shall be submitted by the Project Engineer to the City Engineer.
 - D. If in the course of fulfilling his/her responsibilities, the Project Engineer discovers that the work is being accomplished below the standards required by this Chapter, or the latest approved plans and specifications; then he/she shall call them to the attention of the contractor and developer by written notice. If substantial progress toward correction has not begun within seven (7) calendar days, the problem shall be reported immediately in writing to the City Engineer.
 - E. If the Project Engineer of record is changed during the course of the work, the developer shall not continue the work until the new Project Engineer has agreed to accept the responsibilities as herein defined.
 - F. In the event of work stoppage, protection shall be provided for all open, vulnerable, unfinished work on the project, including drainage.

(6119, Amended, 01/08/2002)

Section 11-14-07 FINAL TECHNICAL REPORTS

Final reports shall consist of revisions and amplifications of the preliminary reports and shall include results of field investigation of the site. Any deviations requested from the requirements of UBC Appendix 33, Chapter 70 shall be addressed in these reports.

These reports shall be submitted for review and approval prior to the issuance of a Grading Permit and signing of the final plat map by the City Engineer. A minimum of ten working days shall be allowed for review, after the submittal of the final reports and plans. The City Engineer shall notify the project engineer if more review time is needed. Further identification of final report requirements are identified in Appendix A, Requirements for Technical Reports, of this ordinance.

- A. Soils Engineering Geotechnical Report.
 1. This report shall include data regarding the nature, distribution, strength, stability, pH and nutrients of the soils, conclusions and recommendations for grading procedures, recommendations for frequency of soil compaction testing, design criteria for corrective measures, and opinions and recommendations covering the adequacy of sites to be developed.
 2. The investigation and subsequent report shall be completed by a licensed Idaho professional, experienced and knowledgeable in the practice of soil mechanics and competent to practice in the subject matter.

Recommendations included in this report and approved by the City Engineer shall be incorporated into the design plans and specifications.
- B. Geology Report.
 1. The investigation and subsequent report shall be completed by a licensed Idaho professional, experienced and knowledgeable in the practice of engineering geology and competent to practice in the subject matter.



Any area in which the investigation indicates geologic hazards exist shall not be subjected to development unless the Project Engineer can demonstrate satisfactorily to the City Engineer, based on the required engineering reports, that these hazards can be overcome in such a manner as to minimize hazard to life or limb, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel or the natural environment.

C. Hydrology Report.

1. The investigation and subsequent report shall be completed by a licensed Idaho professional, experienced and knowledgeable in the practice of hydrology and in the techniques of hydrologic investigation, and competent to practice in the subject matter.

2. Any area in which the investigation indicates hydrologic hazards exist shall not be subjected to development unless the Project Engineer can demonstrate satisfactorily to the City Engineer based on the required technical reports that these hazards can be overcome in such a manner as to minimize hazard to life or limb, hazard to property, adverse effects on the safety, use or stability of a public way, drainage channels or the natural environment.

3. An analysis of flood hazard shall be provided for the area proposed for development and downstream properties.

D. Final Grading and Drainage Plans and Specifications.

1. The final grading and drainage plans and specifications shall include the following information and meet the following requirements:

- a. Be prepared, dated and signed by a licensed Idaho professional, competent to practice in the subject matter;
- b. Be based on a field survey or an aerial topographic map of sufficient accuracy to indicate on the plans two foot contour intervals on slopes of 50% or less and ten foot contour intervals on slopes above 50%;
- c. Location and elevation of the bench mark to be used on the project and a development survey control grid for project monitoring if requested by the Boise City Engineer;
- d. Be drawn to a scale of 50 feet or less per inch and include street center line data, street right-of-way widths, and bearings and distances of the project property boundary;
- e. Vicinity map identifying the location of the property.
- f. Limiting dimensions, elevations, and finished contours to be achieved by the grading, areas of cut and fill, including all proposed cut and fill slopes and proposed drainage channels and related construction. Cut and fill slopes shall be clearly designated on the plans, indicating the limits and the slopes of cut or fill.

Finish grade elevations shall be shown at each lot corner, each lot pad corner, and at maximum 100 intervals on centerline of streets. Location and height of retaining walls including detailed plans for each wall shall be included.

g. Detailed drainage plans showing locations of all surface and subsurface drainage devices, retaining walls, dams, sediment basins, water table, storage reservoirs and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage area, the complete drainage network, including outfall lines

and natural drainage ways which may be affected.

h. 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.

i. The drainage plans shall be in conformance with a Master Drainage Plan for the drainage basin in which the proposed development is located;

j. The haul route for excess or borrowed material shall be designated and approved by the Ada County Highway District for routes on public streets and the Boise City Engineer for all other areas;

k. Location of all geologic hazards on the site as identified by the final engineering geology and soils reports;

l. Location of all temporary structures, ditches, settling ponds, etc., required during construction to prevent runoff of excessive storm water and sediment onto adjacent public and private property;

m. Specifications for clearing and grubbing, topsoil handling, preparation of existing ground for placement of fill, compaction requirements, and finish grading;

n. A roof drainage plan showing how roof drainage from each lot is to be disposed;

o. The final plans shall be accompanied by the engineering calculations for pipe sizing, detention pond design, and the volume of earth work.

p. 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 and estimated starting and completion dates; the schedule shall be drawn up to limit to the shortest possible period the time that soil is exposed and unprotected.

E. Revegetation Plan and Report.

1. A revegetation plan and report shall be completed by a licensed Idaho professional, competent to practice in the subject matter. Unless otherwise approved by the City Engineer, the recommendations in the Idaho Department of Transportation Surveys and Plans manual, Section 14-529 Seeding and Planting Design (as amended) shall be followed.

2. The revegetation report shall include a discussion of the following site factors and provide recommendations for the revegetation work.

- a. Steepness, height and aspect of slopes and topography of land above the slope;
- b. Adequacy of topsoil on the site. The topsoil shall be tested to determine recommended fertilizer and amendments;
- c. Recommended thickness of topsoil to be placed on cut and fill slopes;
- d. Recommended preparation of slopes for placement of topsoil, i.e. minibenching and serration;
- e. Recommended means of application of topsoil and preparation for seeding;
- f. Seed mixture and application rate. Consideration shall be given to establishment

of deep rooted plants.

- g. Planting procedures and time of planting;
- h. Use of supplemental watering.
- i. Mulch type, application rate and means of application;
- j. Minimum coverage/plant density needed to control erosion;
- k. Erosion control measures to be used until vegetation becomes established.

- 3. The revegetation plan shall show the recommended revegetation and erosion control work for all of the slopes on the project site (see also revegetation and erosion control, Section 11-14-9-C).

(6119, Amended, 01/08/2002)

Section 11-14-08 DEVELOPMENT RESTRICTIONS

Any area which presents one or more of the following limiting factors shall not be subjected to development unless the Project Engineer can demonstrate satisfactorily to the City Engineer, based on the required technical reports, that these site limitations can be overcome in such a manner as to minimize hazard to life, hazard to property, and adverse effects on the safety, use or stability of a public way or drainage channel. Such site limitations to be overcome shall include but not be limited to the following:

- A. Landslide areas or scarps, or areas of active landslides.
- B. Lines of active faults.
- C. Areas with expansive soils or collapsible soils.
- D. Slopes greater than twenty five percent (25%).
- E. High water table and springs.

(6119, Amended, 01/08/2002)

Section 11-14-09 HILLSIDE DEVELOPMENT STANDARDS

- A. General.

1. The owner and/or developer shall provide a bond/surety agreement or an irrevocable letter of credit in an amount of 110% of the cost estimated by the City Engineer to enable restoration of the site if the owner/developer does not complete the project or deviates substantially from the approved plans. The bond or letter of credit shall be in a form acceptable to the City Engineer. This bonding shall be provided prior to the issuance of a grading permit or signing of the final plat by the City Engineer.

2. Prior to issuance of a grading permit, the owner and/or developer shall provide a legally binding easement allowing the City of Boise and/or its agents to enter upon the property to do work, as deemed necessary by the City Engineer, to restore the site's appearance and drainage in case of noncompletion or substantial deviation from the approved plans of the project by the developer/owner.

3. All work must be performed in accordance with the latest approved contract plans and specifications. Work not in accordance may not be accepted. Revisions to the plans and specifications shall be submitted to the City Engineer and Planning Director, allowing sufficient time for review, comment, revision and approval.

4. A construction project schedule shall be submitted to the Boise City Engineer for approval and shall be periodically updated.

5. During periods of inclement weather, the Project Engineer shall take extra care in monitoring the construction activities to ensure that the work meets the requirements of the plans, specifications and this ordinance and that storm water runoff from the site is controlled to not adversely affect adjacent property and public facilities. The Project Engineer shall keep the City Engineer apprised of the status of the work.

- B. Grading.

1. No grading, filling, clearing or excavation of any kind in excess of fifty (50) cubic yards or stripping of vegetation shall be initiated until the final grading plan and reports required in Section 11-14-7 are approved by the Public Works Department and a grading permit is obtained from the Boise City Planning and Development Services Department.

2. Fill areas shall be prepared by removing organic materials, such as vegetation and rubbish and any other material which is determined by the licensed professional, who prepared the geotechnical report, to be detrimental to proper compaction or otherwise not conducive to stability.

3. Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan or imported from outside the hillside areas of Ada County. No cuts shall be permitted solely for the purpose of obtaining fill unless approved in the grading plan.

4. All retaining walls or facing used as an alternative to cut and fill with a total vertical projection in excess of four feet (4') shall be designed by a licensed, professional engineer and engineered as structural members keyed into stable foundations and capable of sustaining the design loads.

5. All slopes which are stabilized by mechanical or chemical means shall be adapted to conform to the surrounding terrain and shall be given proper aesthetic treatment.

6. Construction shall be scheduled to minimize soil disturbance. All disturbed soil surfaces shall be stabilized. Temporary treatment adequate to prevent erosion shall be installed on those surfaces.

7. Fills shall be compacted to at least ninety five percent (95%) of maximum density, as determined by ASSHTO T99 or ASTM D698, or greater as recommended by the geotechnical report. The frequency of compaction testing shall be as recommended by the licensed professional, who prepared the geotechnical report, and approved by the City Engineer.

8. Cut slopes shall be no steeper than two (2) horizontal to one (1) vertical unless it can be shown by the Project Engineer that steeper slopes are feasible, taking into account safety, stability, erosion control, and revegetation; subsurface drainage shall be provided as necessary for stability.

9. Fill slopes shall be no steeper than two (2) horizontal to one (1) vertical unless it can be shown by the project engineer that steeper slopes are safe, stable, erosion resistant, and can be adequately revegetated; fill slopes shall not be located on natural slopes two to one (2:1) or



steeper, or where fill slopes toe out within twelve feet (12') horizontally of the top of an existing or planned cut slope.

Prior to placement of fill, the ground shall be prepared in accordance with Appendix, Chapter 33 as amended by the Uniform Building Code. Subsurface drainage shall be provided as necessary for stability.

10. Tops and toes of cut and fill slopes shall be set back from property boundaries in accordance with the requirements of Appendix 33 Chapter 29 as amended of the Uniform Building Code. Tops and toes of cut and fill slopes shall be set back from structures in accordance with the requirements of Chapter 18 as amended of the Uniform Building Code.

C. Revegetation and Erosion Control:

1. Existing vegetation should not be disturbed or removed beyond the limits of the cuts and fills of the approved grading plan.
2. Revegetation and erosion control work shall be done in accordance with the approved revegetation and erosion control plan and report.
3. The topsoil which is removed during construction shall be conserved for later use on areas requiring revegetation or landscaping, e.g., cut and fill slopes.
4. Topsoil shall be placed on all slopes at a minimum thickness of four inches (4").
5. Minimum acceptable plant coverage is 80 percent 2 years after planting.
6. Seed mix shall include deep rooted plants. Subsequent planting of seedlings is also encouraged.
7. Erosion shall be controlled to prevent deposition of sediment on adjacent public right-of-way and private property. On sensitive slopes, the City Engineer may require placement of erosion control geotextile blankets.
8. Revegetation is weather dependent and may require remedial work during the establishment period. If vegetation has not become established by the second growing season (spring or fall), the owner/developer shall do additional revegetation/erosion control work as recommended by the licensed professional who prepared the revegetation plan, and approved by the City Engineer. The City Engineer may require extension of a portion of the bond required in Section 9-19-9A-1 until the vegetation becomes established.

(6119, Amended, 01/08/2002; 5895, Amended, 02/23/1999)

Section 11-14-10 HYDROLOGIC CONTROLS

- A. Interceptor ditches or other approved methods as applicable and as approved by the Boise City Engineer, shall be established above all cut/fill slopes, and the intercepted water conveyed to a stable channel with adequate capacity. These ditches shall be maintained in perpetuity by the property owners, homeowners' association or the development itself, provided the responsibility has not been assumed by a public entity.
- B. Curb, gutter and pavement design and lot grading shall be such that water on roadways is prevented from flowing off the roadway, except in conveyance conduits.
- C. Natural stream channel shall be riprapped or otherwise stabilized below drainage and culvert

discharge points for a distance sufficient to convey the discharge without channel erosion.

- D. Runoff from areas of concentrated impervious cover (e.g., roofs, driveways, roads) shall be retained on site or collected and transported to a channel with sufficient capacity to accept the discharge without undue erosion or flooding. Provision should be made for the cleaning of drainage facilities, by the owner/developer, from the onset of construction through the completion of the project.
- E. Waste material from construction, including soil and other solid materials, shall not be deposited within the one hundred (100) year flood plain (defined as lands within a catchment which are subject to the one hundred [100] year flood) unless the City Engineer concurs that there is no reduction in storage and flow capacity of the flood plain.
- F. Drainage systems in general shall be designed for the maximum one hundred (100) year flood event. That part of a drainage system that acts as a conveyance (pipeline, channels, etc.) shall be designed for 100 year peak flows. That part of a drainage system that serves to detain or retain water shall be designed for 100 years peak volumes in accordance with Section 11-14-10.L of this ordinance.
- G. With the exception of road crossings, approved drainage structures and recreation and open space uses which do not involve the destruction of vegetal cover, development shall be prohibited within the one hundred (100) year floodway.
- H. Sediment catchment ponds shall be constructed and maintained downstream from each development, unless sediment retention facilities are otherwise provided. Any facility used shall provide for the removal of surface debris and contaminants, as well as sediment retention. The facilities shall be designed to facilitate maintenance at minimal cost. Each completed phase of a drainage system shall be designed for the 100 year occurrence.
- I. The overall drainage system shall be completed and made operational at the earliest possible time during construction.
- J. Alterations of major floodways shall only be made with approved drainage conveyance systems and structures as approved by the Boise City Engineer, Army Corps of Engineers and FEMA.
- K. Natural streams or improved open channels shall be preserved or provided for in major catchments (ten acres or more in size), except that at road or other crossings where conduits may be permitted or in those areas approved by the City Engineer. In minor catchments drainage shall be permitted to be enclosed in conduits.
- L. Flow rates from a newly developed site shall not exceed the flow rate from the site in its natural condition prior to development. Exceptions shall be appropriate if compliance with the above creates more adverse impacts to the overall drainage area than other drainage alternatives.
- M. Drainage facilities shall be designed to coordinate with any Master Drainage Plan for the drainage basin in which the proposed development is located.
- N. Special drainage facilities and/or an overflow path for floodwater shall be designated in all locations where there is a sag in the profile of the street or at the end of a culdesac which is lower than the intercepting street. Restriction shall be placed to protect the overflow path from the future building of any fence, shed, dwelling, or obstruction that would impede the flood flow.

Section 11-14-11 ROADWAYS AND CIRCULATION

- A. Roads shall be designed to create the minimum feasible amounts of land coverage and the minimum feasible disturbance of the soil.



- B. Existing vegetation of the deep-rooted perennial variety shall be preserved to the greatest extent possible in the location of roads.
- C. Variations in right-of-way standards shall be sought through the Ada County Highway District to prevent the dedication of unnecessarily large parcels of land.
- D. Variations in road design and road construction shall be sought through Ada County Highway District in order to keep grading and cut/fill slopes to a minimum.
- E. Road alignments should follow natural contours where possible unless the Project Engineer can justify additional cuts or fills. Use of cul-de-sacs and common driveways is encouraged.
- F. One-way couplets shall be encouraged where appropriate for the terrain and where public safety would not be jeopardized. Road width shall be a minimum of 20 ft. for the passage of emergency vehicles.
- G. If the sidewalk is to be installed parallel to the roadway, on fills, the slope shall be rounded for four feet (4') from the back of the sidewalk.
- H. A pedestrian pathway shall be required as approved by the Boise City Planning & Zoning Commission. (See 11-14-5.k)
- I. Combinations of collective or common private driveways, cluster parking areas and on-street parallel parking bays shall be used where possible to attempt to optimize the objectives of minimum soil disturbance, minimum impervious cover, excellence of design and aesthetic sensitivity.

Section 11-14-12 INSPECTION AND ENFORCEMENT

All construction subject to these regulations shall be subject to inspection by the City Engineer and Planning and Development Services Department in addition to inspections by the Project Engineer and consultants. When required by the City Engineer, special inspections and special testing shall be performed to verify conformance with these regulations. The cost of special inspections and special testing shall be borne by the developer.

If the City Engineer determines that any portion of the project is not in conformance with the requirements of this Chapter and no waiver of such requirements has been granted, the City Engineer shall notify, in writing, the Project Engineer and/or Developer. The Project Engineer and/or Developer shall take prompt action to resolve the problem(s) enumerated. If corrective action is not taken to the satisfaction of the City Engineer then the City Engineer shall cause a stop work order be issued by the Planning and Development Services Department, notify the agency issuing the bond or irrevocable letter of credit, shall cause the necessary work to be performed at the developer's expense, not sign the final plat, cause the Planning and Development Services Department to not issue any additional building permits for this development and/or collect on the bond or irrevocable letter of credit.

(5895, Amended, 02/23/1999)

Section 11-14-13 MAINTENANCE

The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved under the provisions of this Chapter 14 (Hillside & Foothill Areas/Development Ordinance), or a building permit granted by the Boise City Planning and Development Services Department, within a subdivision approved under this Chapter, shall maintain in perpetuity and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures, means or devices deemed not to be the responsibility of the Ada County Highway District, or other public agency, and plantings and ground cover installed or completed. Such requirements shall be incorporated into the

protective covenants for any subdivision or development.

(5895, Amended, 02/23/1999)

Section 11-14-14 WAIVERS

The developer, the project engineer or the developer's representative, may request a waiver of any of the provisions of this Chapter 14 (Hillside & Foothill Areas/Development Ordinance), to both the Planning Director and the City Engineer. The Planning Director and City Engineer shall notify the public of the request for waiver in accordance with the provisions of Sections 11-3-6.1 and 11-3-6.2. After public notice and comment on the waiver request, the City Engineer and Planning Director will review and decide on the proposed waiver. This decision may be appealed to the City Council for Council approval or denial.

Section 11-14-15 FILING FEES AND COSTS

For all developments falling under this Hillside and Foothill Areas Development Ordinance Chapter, filing fees shall be in accordance with the Boise City Subdivision Ordinance. In addition the actual and/or estimated costs of the City associated with the review and inspection of the hillside requirements for the development shall be reimbursed to the City. Any developer proposing a hillside subdivision development shall deposit with the Boise City Public Works Department a Hillside Review Deposit to cover the costs associated with the review and inspection of the hillside development. The Hillside Review Deposit shall be deposited by the procedures and amounts as set forth by Resolution of the Boise City Council. The costs of the grading permit from the Planning and Development Services Department shall be set at the minimum charge.

(Ord. No. 5538, Amended, 04/26/94)

(5895, Amended, 02/23/1999)

Section 11-14-16 SEVERABILITY

If any section or provision of this ordinance is declared invalid for any reason, it shall not affect the validity of all remaining provisions of this chapter and ordinance. (BCC 11-14 Reenacted, Ord. 5301, 4-2-91; BCC 11-14-3 Reenacted, Ord. 5427, 12-1-92)



**APPENDIX 4:
BOISE RIVER SYSTEM ORDINANCE**



Chapter 11-16
BOISE RIVER SYSTEM ORDINANCE

Sections:

11-16-01	PURPOSE; CONCLUSIONS OF LAW; GOALS; DEFINITIONS
11-16-01.1	Purpose
11-16-01.2	Findings
11-16-01.3	Goals
11-16-01.4	Definitions
11-16-02	ESTABLISHMENT OF THE BOISE RIVER SYSTEM MANAGEMENT DISTRICT
11-16-02.1	Boise River System Management District Boundaries; Subdivision Plat Notes; Ordinances and Regulations to Comply With
11-16-02.2	Establishment of Base Districts
11-16-02.3	Standards for Uses within the Floodplain (Floodway and Floodway Fringe) zones
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Section 11-16-01 PURPOSE; CONCLUSIONS OF LAW; GOALS; DEFINITIONS

Section 11-16-01.1 Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare; to implement the Boise Comprehensive Plan and the Boise River Plan; and to provide for both sensitive development proposals and for comprehensive City review of those proposals.

(5805, Amended, 07/22/1997)

Section 11-16-01.2 Findings

- A. That the Boise River is a public asset to the City of Boise and provides a major amenity for its citizens.
- B. That the Boise River Floodplain, Setback Lands and Waters (Sec. 11-16-04), and Class A, B and C lands and waters provide valuable recognized natural resource functions and values associated with the Boise River and an opportunity for wildlife habitat, fisheries, public recreation, and public access.
- C. That prudent preservation, protection and management of the Boise River Floodplain, Setback Lands and Waters and lands and waters classified as Class A, B, and C is necessary to assure the public health, safety and welfare.

Section 11-16-01.3 Goals

- A. The Boise River Plan, and the Boise River Fish and Wildlife Habitat Study (Sather-Blair, et al, 1983), established the classification of lands and waters into Classes A, B and C. Section 11-16-03 provides regulations for fish and wildlife habitat associated with the Boise River in each class. Where there is a conflict between the Ordinance and the Plan, the most restrictive provision shall prevail.
- B. In the years since the Boise River Plan was adopted (1985) developments within the floodplain, changes in federal and state environmental regulations, and a greater recognition of the value of the Boise River by the general public have shown the need to utilize the most current standards and guidelines for development within the Boise River floodplain and for the preservation of recognized natural resource functions and values.
- C. The Boise River Plan has stated four basic goals: Flood protection, fish and wildlife protection and pollution and run-off control, recreation and development opportunities. These four goals are the goals of this Boise River System Ordinance:
 - 1. Flood Protection: Boise City will seek to regulate future development on those lands adjacent to the Boise River in order to allow the river and its adjacent lands to convey the 100-year flood without causing a loss of life or property damage.
 - 2. Fish and Wildlife: The City intends to regulate all uses within the Boise River floodplain, along Logger's Creek, along and near any man made water amenity located within the 100 year floodplain of the Boise River which flows from or returns to the Boise River System, and in other adjacent lands for the purpose of preserving, protecting, and enhancing the abundance and diversity of fish, wildlife and riparian resources and to utilize natural systems for the control of runoff and pollution to protect the water quality of the Boise River and its tributaries whether natural or man made.
 - 3. Recreation: The Boise River Greenbelt will continue as a major park system priority which can provide both developed parks and nonmotorized recreational opportunities as



well as a natural undeveloped river environment under public ownership.

4. Development Opportunities: Residential and other urban development shall be located, designed, and undertaken so that there is a continuing enhancement and protection of the amenities along the Boise River which attract businesses and people to the Boise area, including efforts to provide and maintain continuous public access to and along the river which shall include consideration of appropriate facilities for parking of bikes and motor vehicles.

Section 11-16-01.4 Definitions

As used in this Chapter, each of the terms defined shall have the meaning given in the section unless a different meaning is clearly required by the context. (See Section 11-01-03 for additional definitions).

BASE FLOOD:

The flood having a one percent chance of being equalled or exceeded in any given year: The Base Flood is synonymous with "one-percent flood" and "100 year flood."

BASE ZONE:

The zoning district classification in effect on any land for which standards are included in the Zoning Ordinance of Boise City, Idaho dated July 1989, and as amended.

BOISE RIVER PLAN:

That portion of the Boise Comprehensive Plan titled Boise River Plan which includes both text and river maps.

BOISE RIVER SYSTEM MANAGEMENT DISTRICT:

(See Section 11-16-02)

BUILDABLE SITE:

A dwelling, commercial, industrial or office, construction site which will not require dikes or rip-rap for protection against flooding.

CHANNEL:

The bed and banks of a river, stream, tributary, waterways, etc. (See Appendix 1, Diagram AA)

CLASS A, B & C LANDS AND WATERS:

Lands and waters which provide habitats for fish, birds and other wildlife. (See Section 11-16-03, Use Regulations.)

COMMISSION:

Boise City Planning and Zoning Commission

COMPENSATION:

Restoration of degraded, appropriate enhancement of existing, or creation of new natural

resource functions and values.

COMPENSATION, IN KIND:

Restoration of degraded, appropriate enhancement of existing, or creation of new natural resource functions and values that are the same as those natural resource functions and values which are impacted by a proposed action.

COMPENSATION, OUT-OF-KIND:

Restoration of degraded, appropriate enhancement of existing, or creation of new natural resource functions and values that differ from those impacted by a proposed action.

CONSTRUCTION:

Any improvement to real property. In addition to structural construction, the term includes mining, drilling, dredging, grading, paving, excavation, filling and removal of vegetation.

CUBIC FEET SECOND (CFS):

Measurement of the rate of flow of water in the river or tributary.

DEVELOPMENT:

Any manmade change to improved or unimproved real estate over which the Boise City Council exercises control. In addition to structural construction, the term includes mining, drilling, dredging, grading, paving, excavation, filling, private planting or removal of vegetation.

ENHANCEMENT:

Improvement of natural resource functions and values beyond the minimum required for mitigation.

EXISTING DEVELOPMENT:

Any development for which an application was submitted prior to the effective date of this Chapter, that has not expired, and was given approval entitling the applicant to proceed with preliminary for final platting, conditional use, building permits or concept plans. An extension of an existing approval after the effective date of this Ordinance does not make such development an existing development.

FEMA:

The Federal Emergency Management Agency which is responsible for administering the Federal Flood Insurance Program.

FLOOD OR FLOODING:

A general and temporary condition of partial or complete inundation of land areas from the overflow of a watercourse and/or the unusual and rapid accumulation of run-off of surface waters from any source (such as snow melt or heavy rain downpours).

FLOODPLAIN:

The lands within Boise City which are subject to flooding from the base flood (100 Year Flood).



FLOODPLAIN DISTRICT:

See Chapter 11-12, Floodplain Ordinance.

FLOODWAY (FW):

The channel of a river or other watercourse and the 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, as shown in the Flood Boundary and Floodway Map for Boise City, Idaho. (See Appendix 1, Diagram A.)

FLOODWAY FRINGE (FF):

The area between the floodway and the boundary of the 100 Year Flood. These lands within Boise City are subject to flooding from the Base Flood (aka the 100 year Flood), and are also referred to as part of the floodplain or the Area of Special Flood Hazard located outside of the floodway. (See Appendix 1/Diagram A.)

FLOODPLAIN SCHEMATIC:

See Appendix 1/Diagram a, Stream Corridor Schematic.

GREENBELT LANDS AND WATERS:

Land along the Boise River which lies within the seventy foot (70') wide setback area from the 6500 c.f.s. setback line.

GULCHES, FOOTHILL:

Regulated gulches are located in the foothills surrounding Boise City and are subject to flash flooding. FEMA or the Boise City Public Works Department have determined floodway and floodway fringe zones. Foothill gulches include, but are not limited to, Seaman's Gulch, Stuart Gulch, Pierce Park Gulch, Polecat Gulch, Crane Creek, Hulls Gulch, Cottonwood Gulch, and Warms Springs Gulch. Gulch floodplains and associated alluvial fans (AO Zones) are regulated under Chapter 12, Floodplain Ordinance when specific flood studies or determinations have been approved by Boise City.

MAIN CHANNEL:

That portion of the Boise River that is not defined as a side channel. This includes lands and waters below the high water mark and the 6500 c.f.s. setback line, connection with the main channel of the Boise River and all islands claimed by the State of Idaho.

MITIGATION:

Measures to avoid impacts, minimize impacts, restore impacted areas, and compensate for impacts to a natural resource attributable to a proposed action.

MITIGATION, APPROPRIATE:

Mitigation which avoids impacts to, minimizes impacts to, restores, or replaces the functions and values of a natural resource, and is consistent with the scope and degree of those impacts attributable to a proposed action.

MITIGATION, PRACTICAL:

Mitigation which is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

MITIGATION, SEQUENCE:

A prescribed procedure for planning mitigation that requires negative impacts to a natural resource attributable to a proposed action to be mitigated. See Section 11-16-06.

NATURAL RESOURCES:

All of the plants and animals, and environmental

and ecological processes that occur in aquatic, wetland, and riparian and upland environments associated with the Boise River.

NATURAL RESOURCE FUNCTIONS & VALUES:

Environmental, ecological, recreational, historic, and cultural benefits attributable to natural resources which occur in aquatic, wetland, and riparian, and upland environments associated with the Boise River. See Section 11-16-06.3. They are further described in the Federal Highway Administration publication titled *A Method for Wetland Functional Assessment* and the US Army Corps of Engineers publication titled *Wetland Evaluation Technique (WET) II*.

NEW DEVELOPMENT:

Any development for which an application has been filed on or after the effective date of this Chapter or approval of which has been extended on or after the effective date of this Chapter (July 18, 1993).

NO-NET-LOSS:

A measure of the success of mitigation that requires avoidance, minimization, restoration, and compensation of all functions and values of a natural resource impacted by a proposed action.

NON-RESIDENTIAL STRUCTURE:

A building other than a residential structure. The term includes but is not limited to buildings used for places of assembly, education, child care, business, maintenance, storage, manufacturing, government, hospitals, sanitariums, nursing homes, hotels and motels.

ONE-HUNDRED YEAR FLOOD:

The flood having a one percent (1%) chance of being equalled or exceeded in any given year, and is synonymous with "Base Flood."

ORDINARY HIGH WATER MARK:

The Ordinary High Water Mark (OHWM) is the line which the water impresses on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes. The location of the OHWM is determined on-site by the Idaho Department of Lands for purposes of determining land ownership only.

PATHS, BICYCLE & PEDESTRIAN:

Specifically refers to paved bicycle paths or unpaved pedestrian paths built within the Boise River



System Management District. Paved bicycle paths shall meet the requirements of the Bicycle/Pedestrian Design Manual for Ada County (1978) and or other appropriate and relative design manuals.

RIPARIAN AREA:

All lands within and adjacent to areas of groundwater discharge, or standing and flowing surface waters where the vegetation community is significantly affected by the temporary, seasonal, or permanent presence of water. Examples include springs, seeps, creeks, streams, rivers, ponds, and lakes and their margins.

RIPARIAN COMMUNITY:

All plant and animal species within a given riparian area.

RIPARIAN HABITAT:

An area where a plant or animal lives; the sum total of environmental conditions in the area. It may also refer to the place occupied by an entire community of plants or animals. (See Appendix 1/Diagrams b,c,d & m).

RESIDENTIAL STRUCTURE:

A building used as a dwelling for one or more persons. The term includes, but is not limited to: houses, mobile homes, apartment buildings, lodging homes and dormitories. The term also includes accessory use areas used in conjunction with and forming an integral part of a residential structure.

SIDE CHANNEL:

A stream or watercourse, (either natural or manmade) that generally flows from and/or into the Boise River. This includes waterways developed as amenities in residential or commercial developments.

6500 CFS SETBACK LINE:

The line that demarcates the edge of visible moving surface water as determined by the City Engineer in accordance with the following procedures from which the setbacks required in this ordinance are measured:

1. The 6500 cfs setback line shall be based upon a flow of 6500 cfs in the river adjacent to the parcel being reviewed.
2. The 6500 cfs setback line shall only apply to natural channels, including side channels of the Boise River and to man made channels if the man made channel capacity is required in order to pass the 6500 cfs flow under normal flooding conditions.
3. The line shall be the actual location of the water's edge, except in areas of extended shallow backwater with no current. For purpose of definition, shallow shall mean one (1) foot or less in depth.
4. The intent of this definition is to also specifically exclude seeps or other surface waters that are present, but not fed directly from river flows.

STRUCTURE:

Anything constructed or erected which requires permanent location on the ground or is attached to something having location on the ground.

TRIBUTARY:

A stream or watercourse, excluding manmade waterways exclusively used for irrigation, which flows into the Boise River. It is not necessary to run year-round.

UPLAND AREAS:

Areas within the floodplain that are not defined by the Ordinance as wetlands or riparian areas. See also Natural Resource Functions and Values.

VARIANCE:

A grant of relief from the requirements of this Chapter which permits development in a manner that would otherwise be prohibited by this Chapter.

WETLANDS:

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include saturated swamps, marshes, bogs and similar areas. (See Appendix 1/Diagrams aa & d).

WETLAND, EMERGENT:

Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants. Other common names are marsh and slough.

WETLAND, SCRUB-SHRUB:

Wetland areas that are dominated by woody vegetation less than 20 feet tall. The species include true shrubs, young trees, and trees and shrubs that are stunted because of environmental conditions. Includes types such as alder, willows, dogwood and red maple.

WETLAND, FORESTED:

Wetland areas characterized by wood vegetation over 20 feet tall and possessing an overstory of trees, an understory of young trees or shrubs and a herbaceous layer.

WETLAND, RIPARIAN FUNCTIONS & VALUES:

Recognized wetland and riparian functions and values include water quality protection & improvement, habitat for fisheries & wildlife, nutrient retention & removal, channel stability, food chain support, flood storage & desynchronization, groundwater recharge & discharge, active & passive recreation, aesthetics, and cultural resources. See also: Natural Resource Functions & Values.

(Ord. No. 5459, Enacted, 06/22/93; Ord. No. 5750, Amended, 08/27/96)

Section 11-16-02 ESTABLISHMENT OF THE BOISE RIVER SYSTEM MANAGEMENT DISTRICT

A. There is hereby established and defined a Boise River System Management District. The regulations of this District shall apply to all lands and waters and all aquatic, wetland, riparian and upland environments within the jurisdiction of Boise City that lie:



1. Within the 100-year Floodplain boundaries adjacent to the Boise River, or
 2. Within the Setback Lands and Waters (Section 11-16-4), or
 3. Within Class A, Class B and Class C areas covered by Section 11-16-3.2, 3.4 and 3.6.
- B. The Boise River floodway and floodplain boundaries adjacent to the Boise River are determined by the FEMA Flood Boundary and Floodway Map. A copy of this map is available at the Planning Division of the Planning and Development Services Department. The City Council, Planning Director, or Commission shall make the necessary interpretation of the boundary based upon the recommendation of the City Engineer or other expert(s) retained by the City.
- C. Tributary and Foothill Gulch floodplains and associated alluvial fans (AO Zone) standards are addressed in Chapter 12 (Floodplain Ordinance).

(5895, Amended, 02/23/1999)

Section 11-16-02.1 Boise River System Management District Boundaries; Subdivision Plat

Notes; Ordinances and Regulations to Comply With

- A. All subdivisions which include land that lies within the floodplain shall have the following note on the face of the plat: "This subdivision includes lands which are in the floodplain and are subject to the regulations of Section 11-12, and 11-16, Boise City Zoning Ordinance. The Planning Division should be consulted for details."
- B. The following ordinances and regulations of uses within the district apply:

Land Classification	Floodplain Ordinance (Chapter 12)	Use Standards of Boise River Ordinance	Mitigation Section of Boise River Ordinance (11-16-6)	Enhancement Section of Boise River Ordinance (11-16-7) (Where Appropriate)	Boise River Development System Permit Required (11-16-5)
Class A	Yes	Yes	Yes	Yes	Yes
Class B	Yes	Yes	Yes	Yes	Yes
Class C	Yes	Yes	No	Yes	Yes

(5895, Amended, 02/23/1999)

Section 11-16-02.2 Establishment of Base Districts

The floodplain areas within the jurisdiction of this ordinance are divided into the Floodway and the 100 year Floodway Fringe. The boundaries of these sub-districts are indicated in the Floodway Boundary and Floodway Map studies done by FEMA and dated April 17, 1984 (and future amendments thereof), or other studies officially adopted by Boise City. (See Appendix 1, Diagram A Floodplain Cross Section and Section 11-16-2).

Section 11-16-02.3 Standards for Uses within the Floodplain (Floodway and Floodway Fringe) zones

General standards for development proposals planned for these areas are found in Chapters 12 and 16, Boise Zoning Ordinance.

(Ord. No. 5459, Enacted, 06/22/93; Ord. No. 5750, Amended, 08/27/96)

Section 11-16-03 BOISE RIVER SYSTEM MANAGEMENT DISTRICT: CLASS A, B & C LANDS & WATERS; USE REGULATIONS

Section 11-16-03.1 Establishment of Class A, B & C Lands and Waters

This chapter shall apply to all Class A, B, and C lands and waters located within the boundaries of the 100-year floodplain adjacent to the Boise River, to Setback Lands and Waters described in Section 11-16-04, and other Class A lands and waters described in Section 11-16-03.2.

- A. Lands and waters which provide natural resource functions and values including the preservation of fish and wildlife amenities shall be referred to as Class A, B or C lands.
- B. Adopted as part of this chapter is a set of master maps delineating Class A, B & C lands and waters. These official maps can be reviewed at the Planning and Development Services Department. The precise boundaries of those lands and waters shall be determined on a case-by-case basis. The map boundaries must be interpreted using more detailed information including:
1. The Boise River Fish & Wildlife Habitat Study (Sather-Blair, et al, 1983) and corresponding field maps.
 2. On-site field inspections and surveys classifying the area by its U.S. Fish & Wildlife Service habitat classification and utilizing the criteria established in the cited Boise River Fish & Wildlife Habitat Study (1983).
 3. The definitions of Class A, B and C habitat (Section 11-16-03).
 4. Aerial photographs.
 5. The official floodplain maps and studies prepared by FEMA.
 6. Government agencies having resource responsibilities such as the U.S. Army Corps of Engineers, Idaho Department of Water Resources, Idaho Fish and Game Department, Idaho Department of Lands, U.S. Fish & Wildlife Service, and the Environmental Protection Agency.
- C. The Boise River Fish and Wildlife Habitat Study, (Sather-Blair, et al, 1983), shall be used as a reference which provides objectives for preservation and management actions for Class A (I-Areas Extremely Important for Preservation) and Class B (II-Areas Moderately Important for Preservation) areas. (See Appendix 4, Table 14, Suggested Management Actions and Objectives for Maintaining or Enhancing Fish & Wildlife Habitat Along the Boise River).

(5895, Amended, 02/23/1999)

Section 11-16-03.2 Class A Lands & Waters

- A. Class A lands and waters are areas which provide extremely important habitats for fish and wildlife and for flood control and protection. The objective for these lands is to preserve and protect them for their primary benefits to fish and wildlife in general, and to protect bald eagle, great



blue heron, trout, and water fowl habitats in particular. These areas include, but are not limited to:

1. Floodways;
2. Areas with a high degree of plant community diversity;
3. Black cottonwood riparian plant community;
4. Riparian forests
5. Scrub-shrub wetlands;
6. Emergent wetlands within the floodplain (exclusive of working irrigation canals);
7. Great Blue Heron rookeries and 300 ft. around them;
8. Eagle winter habitat which includes lands within 200 ft. of the 6500 c.f.s. line east of Walnut Street on the north side of the river and east of Phase 4 of the River Run Subdivision on the south, and forested wetlands east of these points;
9. Lands within the riparian setback Lands and Waters (Section 11-16-04.2(D));
10. The banks of side channels and tributary stream areas within the jurisdiction of this Chapter.
11. Islands within the river;
12. Trout spawning waters;
13. Riparian areas of tributary streams within the jurisdiction of this Chapter including channels that convey floodwaters and areas that meet the definition of wetlands;
14. The Barber Pool Natural Preserve.

B. Class A Land & Water Uses: The Class A land and water uses below are subject to the relevant Standards for Uses (Section 11-16-03.3) and Mitigation and Enhancement provisions (Sections 11-16-06 & 07) and shall require a Boise River System Development Permit (Section 11-16-05).

1. Signs (Non-Commercial), restrooms and snackbars; except for existing uses;
2. River Bridges and paved access to River Bridge;
3. Fish & wildlife habitat improvements;
4. Irrigation weirs, diversion dams, and inlets;
5. Water inlets to supply domestic water;
6. Greenbelt structures under existing bridges;
7. Greenbelt paths or non-paved pedestrian paths which may provide limited access to the river and may run into or through lands designated as Class A habitat areas. Paved bicycle paths may not run into or through Class A habitat areas, other than those already in existence, the planned for Lander Street sewage treatment plant path, the Warm

Springs park area pedestrian path and bridge, and where an existing railroad right-of-way is already located in said area which may be acquired, donated or used as a bicycle path.

8. Natural parks;
9. Bank and channel stabilization projects;
10. Hydro-electric and flood protection dams;
11. Selected public piers and beaches.
12. Public utility lines such as water and sewer lines;
13. Storm drain outlets and detention basins;
14. Water pump facilities.
15. Gravel extraction; including reuse of gravel extraction lands.
16. One housing unit per 20 acres or legal non-conforming lot;
17. Agricultural uses;
18. Uses required by the Americans with Disabilities Act.

C. Prohibited Uses: All uses not explicitly listed under Section 11-16-03.2.

Section 11-16-03.3 Standards for Uses on Class A Lands and Waters

- A. All Class A areas within a development or subdivision shall be preserved and shall be platted in single common ownership. A method of preservation, either through conservation easement or other method, may be required by the City.
- B. All new development shall be located and designed to promote the Flood Protection, Fish & Wildlife, Recreation and other goals of the Boise City Comprehensive Plan and the Boise River Plan.
- C. Riparian Setback Lands and Waters shall be preserved or created in accordance with Section 11-16-04.2D.
- D. The removal of vegetation (living or dead) from within the floodway shall not be permitted unless:
 1. The vegetation poses a threat to persons or property.
 2. The vegetation contributes to a dangerous restriction of the flow of floodwater.
 3. The removal of vegetation is part of an approved mitigation and enhancement plan (Section 11-16-06 and 11-16-07).
- E. Removal of vegetation shall be confined to the minimum necessary, while still maintaining the natural riparian areas. Removal of vegetation is subject to approval by the Planning Director after review and recommendation by the Urban Forestry Division of the Boise City Parks and Recreation Department.
- F. Emergency situations under D.1 and 2 above may require actions to be taken before the Planning

Director can be contacted. If that is the case, then the action taken shall be reported to the Planning Director and mitigation efforts shall be taken if the Director requires them.

- G. In recognition of their importance and their scarcity, emergent wetlands shall be preserved. In the case of isolated emergent wetlands surrounded by Class B or Class C lands, the emergent wetland area may be replaced with a created emergent wetland, with the same functions and values as the impacted wetland, on a one-to-one replacement basis. The newly created emergent wetland area shall be designed as Class A land and shall be governed as such. The emergent wetland may be relocated anywhere on the project site, except within Class C Lands, provided that the created emergent wetland has the same or greater degree of natural resource functions and values as did the impacted emergent wetland. In order to assure a no-net loss of natural resource functions and values to relocating an emergent wetland, the applicant shall include an assessment of the emergent wetland relocation as part of their mitigation plan, as required in Section 11-16-6 of this ordinance. Additionally, if the emergent wetland is relocated to a site within existing Class A lands, then the land area of Class A Lands and Waters shall be enlarged by an amount no less than the size of the impacted emergent wetland. This area shall be designed as Class A land, and be governed as such.
- H. Where side channels to the Boise River are identified by the Idaho Fish & Game Department as trout spawning and/or rearing waters, development proposals shall be designed to protect and enhance such areas. Development proposals may also be made to preserve, enhance, improve or create such trout spawning and/ or rearing waters with the approval of the Planning Director or Commission after consultation with the Idaho Department of Fish & Game.
- I. All new developments and/or subdivisions within all classes of lands (Section 11-16-03) that propose to use or create a water amenity shall design all or part of that water amenity to provide appropriate wetland and riparian functions and values such as waterfowl and wildlife habitat, trout and/or warm water fish habitats. The Planning Director or Commission may approve the design after consultation with the Idaho Fish & Game Department, the Boise Public Works Department, and the Boise City Parks and Recreation Department. Guidelines for development of Tier 1, Tier 2, Tier 3 and for urban ponds are listed in; "Grunder, S., T. Holubetz and S. Gebhards. 1991. Riparian and Aquatic Development Standards Recommended for Urban Water Systems for Fish and Wildlife Benefits. Idaho Department of Fish and Game. Boise, Idaho" (see Appendix 6). The setback distances are minimum standards and may be increased where needed to provide sufficient protection to the banks and wildlife habitat. Any water amenity placed in a development shall have in place an acceptable maintenance plan approved by Boise City and the Idaho Fish and Game Department for the preservation and maintenance of the amenity in the future.
- J. In the design of public and private parks, intense activity portions of the park shall be located outside of Class A lands and designed to prevent adverse impacts on Class A lands.
- K. Open spaces such as parks, golf courses, greenbelt areas, parking lots, etc., within the floodplain, shall be designed and operated so that they may flood and provide storage capacity for waters during flood flows in excess of 6500 cfs. Levees or berms shall not be used for flood control.
- L. Where construction activities abut a riparian area, to prevent intrusion of construction activities or other impacts on the riparian area, construction fencing shall be installed before any grading or other construction activities commence.
- M. Emergency access to the river for the use of repair and rescue equipment and personnel shall be provided at appropriate intervals along the river. Any new development proposal shall include provisions for emergency access.
- N. Manicured landscaping and/or lawns shall not be placed in these Class A areas and any person, entity or organization violating this section shall be required to replant any area which is

destroyed or invaded by such landscaping activities.

- O. Developments shall provide public access to the Boise River Greenbelt Setback as a part of their development plan. In appropriate cases, the developer shall either provide or make available for purchase by the City, land for public parking for bicycle and motor vehicles.

(5805, Amended, 07/22/1997)

Section 11-16-03.4 Class B Lands & Waters

- A. Class B Lands and Waters are areas which provide a good potential for improvements to natural resource functions and values. The objective for these lands is to invite development plans which demonstrate improvement to natural resource functions and values and mitigate negative impacts to existing natural resource functions and values. Class B Lands and Waters include, but are not limited to:
 1. Agricultural lands.
 2. Gravel pit ponds and small lakes
 3. Intermittent tributary streams
- B. Class B Land & Water Uses: Class B land and water uses are limited to the uses allowed in the underlying zone and are subject to the relevant Standards for Uses (Section 11-16-03.5) and Mitigation and Enhancement Provisions (Sections 11-16-06 & 07). These uses include open space and Greenbelt uses which will not cause environmental damage.
- C. Conditional Uses: Class B land and water conditional uses include all conditional uses listed in the underlying base zone. These uses are subject to the relevant Standards for Uses (Section 11-16-03.5) and Mitigation and Enhancement provisions, (Sections 11-16-06 & 07) and shall require a Boise River System Development Permit (Section 11-16-05).
- D. Prohibited Uses: All uses not explicitly listed under Sections 11-16-03.4.B and C.

Section 11-16-03.5 Standards for Class B Lands

- A. All Class B areas within a new development shall be located and designed to promote the Flood Protection, Fish & Wildlife, Recreation, Development Opportunities and other goals of the Boise City Comprehensive Plan and the Boise River Plan.
- B. Development plans shall demonstrate improvements to natural resource functions and values and shall mitigate negative impacts to existing natural resource functions and values. Developments within Class B lands may include components which will enhance the value of natural resource functions and values. Examples of enhancement components are:
 1. The creation of wetland and lake habitats.
 2. The provision of nesting areas for song birds and waterfowl.
 3. Planting of riparian vegetation, and improvements to the fishery.
- C. In recognition of their importance and their scarcity, emergent wetlands shall be preserved. In the case of isolated emergent wetlands surrounded by Class B or Class C lands, the emergent wetland area may be replaced with a created emergent wetland, with the same functions and values as the impacted wetland, on a one-to-one replacement basis. The newly created emergent wetland area shall be designed as Class A land and shall be governed as such. The



emergent wetland may be relocated anywhere on the project site, except within Class C Lands, provided that the created emergent wetland has the same or greater degree of natural resource functions and values as did the impacted emergent wetland. In order to assure a no-net loss of natural resource functions and values to relocating an emergent wetland, the applicant shall include an assessment of the emergent wetland relocation as part of their mitigation plan, as required in Section 11-16-6 of this ordinance. Additionally, if the emergent wetland is relocated to a site within existing Class A lands, then the land area of Class A Lands and Waters shall be enlarged by an amount no less than the size of the impacted emergent wetland. This area shall be designed as Class A land, and be governed as such.

- D. Riparian setback lands and waters shall be preserved or created in accordance with Section 11-16-04.2.D.
- E. All new developments and/or subdivisions within all classes of lands (Section 11-16-03) that propose to use or create a water amenity shall design all or part of that water amenity to provide appropriate wetland and riparian functions and values such as waterfowl and wildlife habitat, trout and/or warm water fish habitats. The Planning Director or Commission may approve the design after consultation with the Idaho Fish & Game Department, the Boise Public Works Department, and the Boise City Parks and Recreation Department. Guidelines for development of Tier 1, Tier 2, Tier 3 waterways and for urban ponds are listed in: "Grunder, S., T. Holubetz and S. Gebhards. 1991. Riparian and Aquatic Development Standards Recommended for Urban Water Systems for Fish and Wildlife Benefits. Idaho Department of Fish and Game. Boise, Idaho" (see Appendix 6). The setback distances are minimum standards and may be increased where needed to provide sufficient protection to the banks and wildlife habitats. Any water amenity placed in a development shall have in place an acceptable maintenance plan approved by Boise City and the Idaho Fish and Game Department for the preservation and maintenance of the amenity in the future.
- F. In the design of public and private parks, intense activity portions of the park shall be located in Class B and C lands and designed to prevent adverse impacts on Class A lands.
- G. Open spaces such as parks, golf courses, greenbelt areas, parking lots, etc., within the floodplain, shall be designed and operated so that they may flood and provide storage capacity for waters during flood flows in excess of 6500 cfs. Levees or berms shall not be used for flood control.
- H. Where construction activities about a riparian area, to prevent intrusion of construction activities or other impacts on the riparian area, construction fencing shall be installed before any grading or other construction activities commence.
- I. Emergency access to the river for the use of repair and rescue equipment and personnel shall be provided at appropriate intervals along the river. Any new development proposal shall include provisions for emergency access.
- J. Where side channels to the Boise River are identified by the Idaho Fish & Game Department as trout spawning and/or rearing waters, development proposals shall be designed to protect and enhance such areas. Development proposals may also be made to preserve, enhance, improve or create such trout spawning and/or rearing waters with the approval of the Planning Director or Commission after consultation with the Idaho Department of Fish & Game.
- K. Manicured landscaping and/or lawns shall not be placed in these riparian areas and any person, entity or organization violating this section shall be required to replant any area which is destroyed or invaded by such landscaping activities.
- L. Developments shall provide public access to the Boise River Greenbelt setback as a part of their

development plan. In appropriate cases, the developer shall either provide or made available for purchase by the City, land for public parking for bicycle and motor vehicles.

(5805, Amended, 07/22/1997)

Section 11-16-03.6 Class C Lands

- A. Class C lands are areas which are the least important for preservation. They provide limited fish and wildlife habitat and there is limited potential for enhancement because of incompatibility with other uses. The objective for these lands is to invite development plans which provide for landscaping and other habitat improvements. These areas include, but are not limited to:
 - 1. Public and private parks where current uses preclude enhancement of fish and wildlife habitat.
 - 2. Diversion dams.
 - 3. Residential and commercial developments, except that plantings may include native or naturalized plant materials that provide wildlife food and shelter.
 - 4. Lands surrounding gravel ponds.
 - 5. Subdivided properties.
 - 6. Former industrial areas.
 - 7. Vacant lands in urban centers.
- B. Class C Land and Water Uses: Class C area uses include all uses permitted in the base zone. These uses are subject to the relevant Standards for Uses (Section 11-16-03.7) and Enhancement Provision (Section 11-16-07) and shall require a Boise River System Development Permit (Section 11-05-05).
- C. Conditional Uses: Class C area conditional uses include all conditional uses in the base zone subject to the relevant Standards for Uses (Section 11-16-03.7) and Enhancement Provision (Section 11-16-07) and shall require a Boise River System Development Permit (Section 11-16-05).
- D. Prohibited Uses: All uses not explicitly listed under 11-16-03.6.B and C.

Section 11-16-03.7 Standards for Class C Lands

- A. All new development shall be located and designed to promote the Flood Protection, Fish & Wildlife, Recreation, Development Opportunities and other goals of the Boise City Comprehensive Plan and the Boise River Plan.
- B. Where side channels to the Boise River are identified by the Idaho Fish & Game Department as trout spawning and/or rearing waters, development proposals shall be designed to protect and enhance such areas. Development proposals may also be made to preserve, enhance, improve or create such trout spawning and/or rearing waters with the approval of the Planning Director or Commission after consultation with the Idaho Department of Fish & Game.
- C. In recognition of their importance and their scarcity, emergent wetlands shall be preserved. In the case of isolated emergent wetlands surrounded by Class B or Class C lands, the emergent wetland area may be replaced with a created emergent wetland, with the same functions and values as the impacted wetland, on a one-to-one replacement basis. The newly created



emergent wetland area shall be designed as Class A land and shall be governed as such. The emergent wetland may be relocated anywhere on the project site, except within Class C Lands, provided that the created emergent wetland has the same or greater degree of natural resource functions and values as did the impacted emergent wetland. In order to assure a no-net loss of natural resource functions and values to relocating an emergent wetland, the applicant shall include an assessment of the emergent wetland relocation as part of their mitigation plan, as required in Section 11-16-6 of this ordinance. Additionally, if the emergent wetland is relocated to a site within existing Class A lands, then the land area of Class A Lands and Waters shall be enlarged by an amount no less than the size of the impacted emergent wetland. This area shall be designed as Class A land, and be governed as such.

- D. All new developments and/or subdivisions within all classes of lands (Section 11-16-03) that propose to use or create a water amenity shall design all or part of that water amenity to provide appropriate wetland and riparian functions and values such as waterfowl and wildlife habitat, trout and/or warm water fish habitats. The Planning Director or Commission may approve the design after consultation with the Idaho Fish & Game Department, the Boise Public Works Department and the Boise City Parks and Recreation Department. Guidelines for development of Tier 1, Tier 2, Tier 3 and urban waterways are listed in: "Grunder, S., T. Holubetz and S. Gebhards. 1991. Riparian and Aquatic Development Standards Recommended for Urban Water Systems for Fish and Wildlife Benefits. Idaho Department of Fish and Game. Boise, Idaho" (see Appendix 6). The setback distances are minimum standards and may be increased where needed to provide sufficient protection to the banks and wildlife habitat. Any water amenity placed in a development shall have in place an acceptable maintenance plan approved by Boise City and the Idaho Fish and Game Department for the preservation and maintenance of the amenity in the future.
- E. In the design of public and private parks, intense activity portions of the park shall be located in Class B and C lands and designed to prevent adverse impacts on Class A lands.
- F. Open spaces such as parks, golf courses, greenbelt areas, parking lots, etc., within the floodplain, shall be designed and operated so that they may flood and provide storage capacity for waters during flood flows in excess of 6500 cfs. Levees or berms shall not be used for flood control.
- G. Where construction activities abut a riparian area, to prevent intrusion of construction activities or other impacts on the riparian area, construction fencing shall be installed before any grading or other construction activities commence.
- H. Emergency access to the river for the use of repair and rescue equipment and personnel shall be provided at appropriate intervals along the river. Any new development proposal shall include provisions for emergency access.
- I. Development plans shall provide for landscaping and other habitat improvements, and shall include vegetation screens and buffer zones that provide appropriate separation between uses (such as residential housing area and wildlife habitat area) and yet allow the development to benefit from its proximity to open space areas.
- J. Manicured landscaping and/or lawns shall not be placed in these riparian areas and any person, entity or organization violating this section shall be required to replant any area which is destroyed or invaded by such landscaping activities.
- K. Developments shall provide public access to the Boise River Greenbelt Setback as a part of their development plan. In appropriate cases, the developer shall either provide or make available for purchase by the City, land for public parking for bicycle and motor vehicle.

(Ord. No. 5459, Enacted, 06/22/93; Ord. No. 5750, Amended, 08/27/96)(5805, Amended, 07/22/1997)

Section 11-16-04 SETBACK LANDS AND WATERS

Setback lands and waters are lands and waters which are set aside for the protection and preservation of the Greenbelt; Heron rookeries; Eagle perching, feeding and loafing areas and Riparian areas.

Section 11-16-04.1 Setback Lands and Water Uses

- A. Setback Lands and Water Uses: Setback lands and water uses are limited to open space uses which do not require any development or structures. These uses shall not cause flood losses on other lands, to the public, or to the environment.
- B. Setback Lands and Waters Conditional Uses: Setback Lands and Waters conditional uses are open space uses which require development or structures, provided they receive a Boise River System Development Permit (Section 11-16-05), meet the criteria for evaluation in Section 11-16-05.4 and comply with conditions imposed from Section 11-16-05.7.

Section 11-16-04.2 Setback Lands and Water Standards

- A. Greenbelt Setback Lands and Waters: The Greenbelt Setback Lands and Waters area is a minimum seventy foot (70') setback (measured landward) from the 6500 c.f.s. setback line for all structures, driveways, manicured landscaping and parking areas and shall be reserved for greenbelt purposes. These areas shall be maintained in the Boise River System to provide lands for the: protection of wildlife, for bank protection, a holding area for flood waters, and protection of recognized natural resource functions and values. Based on site specific recommendations from the Board of Park and Recreation Commissioners, the above setback requirements may be waived, reduced or increased by the Planning and Zoning Commission or City Council. The Board of Park and Recreation Commissioners shall set forth specific findings of fact supporting their recommendations. Waived, reduced or increased setback requirements may be required to ensure a project will:
 1. Maintain water quality,
 2. Maintain the safety of the greenbelt corridor and path,
 3. Mitigate noise impacts,
 4. Protect Bald Eagle perch trees,
 5. Conserve aesthetic features within the greenbelt corridor as viewed from within the corridor,
 6. Preserve views of significant cultural or geologic landmarks as seen from within the greenbelt corridor, or
 7. Address other special and unique characteristics of the site, building, or use consistent with the purposes of the Boise River System Ordinance.
- B. Heron Rookeries Setback Lands and Waters: The Great Blue Heron Rookeries Setback lands and Waters area is in the area of the rookery and three hundred feet (300') around it or them in all directions. Specific rookery areas shall be designated by the City after consultation with the Idaho Fish and Game Department.
- C. Eagle Perching, Feeding & Loafing Setback Lands and Waters: The eagle perching, feeding & loafing Setback Land and Water areas are designated as bald eagle winter habitat and include all lands within two hundred feet (200') of the 6500 c.f.s. east of Walnut Street along the north side of the Boise River, and east of Phase 4 of the River Run Subdivision along the south side of the



Boise River.

D. Riparian Setback Land and Water: The Riparian Setback Lands and Water area are land strips of rooted vegetation (trees grasses and shrubs) used for the protection of banks and/or wildlife habitat and shall be maintained where in existence or where was created where none existed. This Riparian Setback as modified here is adopted from "S. Grunder, T. Holubetz, and S. Gebhards, 1991. Riparian and Aquatic Development Standards Recommended for Urban Water Systems for Fish and Wildlife Benefits. Idaho Department of Fish and Game. Boise, Idaho." December 1991. The setback distances set out below are minimum standards and may be increased where needed to provide sufficient protection of the banks and/or wildlife habitat (see Appendix 6). Manicured landscaping will not take place within the riparian setback.

1. Tier 1 Waterway: A side channel with a width of less than 15 ft. or with a flow of less than 5 c.f.s. shall have a riparian setback ranging from 10 feet to 20 feet. The riparian setback shall provide for a minimum of 45% of the stream channel adjacent to any lot to consist of overhanging vegetation.

Classification as a Tier 1 waterway may be granted in the sole discretion of the City Council upon recommendation of the Planning and Zoning Commission if the Council finds the channel is 15' feet or less in width, its flow is 5 CFS or less at all times of year, and the Council makes a specific finding that the amenity is being created as a part of an integrated waterway system using a combination of Tier 1, Tier 2 and Tier 3 streams in conjunction with an integrated mitigation and enhancement plan.

2. Tier 2 Waterway: A side channel with a width of greater than 15 ft. or with a flow of between 5 c.f.s. and 150 c.f.s. shall have a riparian setback of not less than 25 ft.

3. Tier 3 Boise River: The riparian setback for the Boise River shall cover a minimum of 25 ft. from the Boise River 6,500 c.f.s. setback line.

A minimum 15 feet building setback line from the edge of the Riparian Setback shall be maintained to provide lawn and patio areas between the structure and the setback line.

E. Stabilization Measures: In situations where structural stabilization measures (rip-rap, drop structures, large cobble) are deemed necessary, the design of the structural stabilization measure shall include over-planting with shrubs and trees and the deliberate enhancement of fish habitat. Use of dangerous and unsightly materials such as automobiles, chunks of concrete, and debris shall be prohibited (see Appendix 6).

F. Screening Requirements: Structures shall be screened from view from the Boise River Greenbelt and the Boise River with a landscaping screen which must, within a period of ten (10) years, have the capability of growing to a height of at least twenty (20) feet. Parking areas located between the structure and the Boise River shall be screened from view from the Boise River and the Boise River Greenbelt at the time of construction by landscaping or decorative fencing having a minimum height of five (5) feet. Based on recommendations from the Board of Park and Recreation Commissioners, the above landscaping requirements may be waived, reduced or increased by the Planning and Zoning Commission or the Design Review Committee. Waived, reduced or increased landscaping requirements may be permitted in order to:

1. Promote public safety and security for greenbelt users,
2. Minimize greenbelt pathway site distance conflicts,
3. Reduce potential greenbelt and pathway use conflicts, or

4. Address special and unique characteristics of the site, building or use consistent with the purposes of the Boise River System Ordinance.

The Board of Park and Recreation Commissioners shall set forth specific findings of fact to support a recommendation to waive, reduce or increase landscape requirements.

G. Minimum Setbacks: Minimum setback for all structures and parking areas shall be seventy (70) feet (measured horizontally) from the 6500 c.f.s. line of the Boise River, or five (5) feet (measured horizontally) from the boundary of all dedications or easements granted to the City of Boise for greenbelt purposes in excess of sixty-five (65) feet as herein provided.

(Ord. No. 5459, Enacted, 06/22/93; Ord. No. 5750, Amended, 08/27/96)

(5916, Amended, 05/18/1999)

Section 11-16-05 BOISE RIVER SYSTEM DEVELOPMENT PERMIT

Section 11-16-05.01 Applicability, Application Requirement, Application and Fees, Existing Developments, Concurrent Review

A. Applicability: A Boise River System Development Permit shall be required for all developments within the Boise River System Management District (Section 11-16-02). Developments within the Boise River System Management District shall also be simultaneously reviewed to comply with Chapter 12, Floodplain Ordinance.

B. Application and Fees: Every person seeking a Boise River System Development Permit shall submit an application and fee with the Planning Director in accordance with Sections 11-16-05.2 and 11-03-03 of the Zoning Ordinance. The Boise River System Development Permit application shall be on a form prescribed by the Planning Director. It shall include a Floodplain Review (Chapter 12) and a mitigation and/or enhancement plan in accordance with Section 11-16-06 & 07. Information and plans required to be submitted are listed on the application form for a Boise River System Development Permit (Section 11-16-05). Action by the Planning Director or Commission on the application shall not be initiated until the application is deemed by the Planning Director to be completed.

As part of the Boise River System Development Permit all developments which are adjacent to, or include all or part of the Greenbelt Setback Lands and Waters as specified in Section 11-16-4.2A shall have the application to Boise City be reviewed by the Board of Park and Recreation Commissioners for their recommendations.

C. Conceptual Applications: Boise River System Permit applications may be submitted for conceptual or detailed approval. For conceptual applications, the applicant must specify on the application form that concept approval is being requested and must be accompanied by any entitlement application required for the intended use. A concept approval is a statement by the City of Boise that a general development plan including the general arrangement of uses, open spaces, location of streets and other infrastructure, etc. is acceptable. A concept review allows the applicant to obtain approval of a general development plan without incurring the expense of preparing detailed plans and studies until after the concept approval. It provides the developer and Boise City with guidelines for the design of each phase of a project. Supporting information shall be required for concept applications as determined by the Planning Director but shall minimally include the location of floodway and floodplain boundaries, the 6500 cfs flow line, greenbelt (70') and eagle habitat (200') setbacks, and visible wetlands and surface features. Each phase of a concept approval requires a detailed Boise River System permit.

D. Existing Development: A Boise River System Development Permit is not required on individual lots within an existing development or development which has already received a Boise River

System Development Permit. A new permit will be required if a previously approved plan and/or conditions are being extended or modified or if new work is proposed within the floodway. Building permits and review by Public Works and Boise City Parks and Recreation Department will continue to be required.

- E. A Boise River System Development Permit may be reviewed concurrently with other zoning and development applications requiring Commission action.

(5916, Amended, 05/18/1999)

Section 11-16-05.02 Level of Review

The following two levels of review for a Boise River System Development Permit are hereby established. The Planning Director shall decide the appropriate review procedure for each application filed consistent with the applicable requirements of this ordinance.

A. Administrative level Review Procedures:

- 1. This procedure can be followed for development on a single parcel or single lot when the proposed project:
 - a. Does not affect more than 100 lineal feet of river bottom or bank, nor more than one-half (1/2) acre of Class A or B lands, and,
 - b. Does not materially alter, fully restores, or enhances the existing surface and groundwater hydrology, soils, plant and animal communities and habitats present within or adjacent to the project are, and,
 - c. Provides for the maintenance of storm water detention/sedimentation basins and stabilization structures.
- 2. The Planning Director shall review the application and approve, disapprove or may direct that it be sent to the Commission for review and decision at a public hearing. The Planning Director shall cause all surrounding property owners to be notified, shall receive input from the City Engineer and other governmental agencies, and shall review the information from the completed application. The procedures for notification by publication and mail shall be followed. (Section 11-16-05.3).
- 3. A decision on an administrative level review shall be made within thirty (30) days of the receipt of the completed application, unless forwarded to the Commission, and shall be based on the criteria of evaluation included in Section 11-16-05.4. Conditions may be attached to the approval as allowed in Section 11-16-05.7. Approval from the Idaho Department of Water Resources and the Army Corp of Engineers must also be received, if appropriate, before a permit will be issued.
- 4. The applicant or any aggrieved party may appeal to the Commission a decision of the Planning Director by following the general procedure in Section 11-03-07.1 of the Boise City Zoning Ordinance.

B. Commission Level Review Procedures:

- 1. The Planning & Zoning Commission shall review all applications, except those undergoing administrative level review by the Planning Director.
- 2. The Planning Director may require a pre-application public worksession and extended review period (based upon the complexity of the application) prior to the public hearing.

- a. A pre-application public worksession shall be held no later than thirty-three calendar days after acceptance of a Preliminary Site Plan, Preliminary Mitigation and/or Preliminary Enhancement Plan. Deferrals shall extend the time during which the worksession must be held.
- b. A public hearing shall be held no later than sixty-six calendar days after acceptance of a completed application. Deferrals shall extend the time during which the hearing must be held.
- c. Upon the determination of the Planning Director that an application is unusually complex and requires additional review, the date for the public worksession and for public hearing may be each extended up to thirty-three (33) additional days. This extended review period is to allow for adequate staff research and analysis, agency review and comment, public input, coordination with other city departments and coordination with the applicant.

- 3. The Planning & Zoning Commission shall hold a public hearing and give notice of hearing for applications for a Boise River System Development Permit (as provided in Section 11-16-05). The Planning & Zoning Commission shall either approve, deny or modify the proposed development for the issuance of a permit within fourteen (14) days after the final hearing date. The decision shall be based upon the criteria of Section 11-16-05.4 and the Conclusions of Law of Section 11-16-5.6. Appropriate conditions shall be attached to their decision as allowed by Section 11-16-05.7.
- 4. The applicant or any aggrieved party may appeal the Planning & Zoning Commission's decision to the City Council in accordance with Section 11-03-07.2.

Section 11-16-05.03 Notification

- A. For both administrative and Commission level review, notification shall be given to property owners and residents located on both sides of the river or channel for 500 ft. upstream and 1,000 ft. downstream from the proposed work site. Notification on administrative actions shall be done following a decision to approve, to inform persons of their right to appeal.
- B. The Planning Division may also notify known interested parties such as organized neighborhoods, public agencies, environmental organizations, city departments, etc. Failure to notify any party claiming to be an interested party shall not require deferral of the scheduled hearing or for invalidation of the decision.

(5895, Amended, 02/23/1999)

Section 11-16-05.04 Criteria for Evaluation

Evaluation of the application shall be done administratively or by the Commission (Section 11-16-5.2) using criteria for evaluation in Sections 11-16-5.4 and establishing Conclusions of Law as specified in Section 11-16-5.6. Conditions of approval as allowed in Section 11-16-5.7 may be attached to an approved Boise River System Development Permit. The applicant shall demonstrate that the criteria in these regulations have been satisfied. The Planning Director or Commission shall consider the following, as well as the standards specified in other sections of this ordinance:

- A. The development shall comply with the goals, purposes and standards of the Boise River System Ordinance (Section 11-16-01.2), the Boise River System Development Permit (11-16-05), the Boise City Zoning Ordinance (11-05), Boise Metropolitan Plan and the Floodplain Ordinance (Chapter 12).
- B. If a mitigation and/or enhancement plan is submitted with the application as specified in Sections



11-16-06 and 07, a technical evaluation by expert(s) and/or agencies designated by the City shall be performed and provided to the Commission for consideration and approval. The Commission shall evaluate the suitability of the proposed use, mitigation and/or enhancement plans in relation to the flood hazard, possible environmental benefits or negative impacts, and compatibility between existing conditions and anticipated development.

- C. As part of the Boise River System Development Permit all developments which are adjacent to, or include all or part of the Greenbelt Setback Lands and Waters as specified in Section 11-16-4.2A shall have the application to Boise City be reviewed by the Board of Park and Recreation Commissioners for their recommendations. The Board of Park and Recreation Commissioners shall receive comments from the Boise Parks and Recreation Department and shall make written comments including specific findings of fact to the Planning and Zoning Commission for inclusion in the public hearing.
- D. A Boise River System Development Permit may be conditionally approved, but may not be issued, until all required permits from appropriate State or Federal agencies have been completed and approved.
- E. The following general standards for development proposals shall be complied with within the Floodplain (Floodway and Floodway Fringe) zones:
1. Alterations to a water course which would diminish the flood carrying capacities or increase water velocities within the floodplain shall not be allowed unless there will be no adverse effects on the site or to surrounding properties upstream, downstream or across stream.
 2. All new development shall be located and designed to promote the Flood Protection, Fish & Wildlife, Development Opportunities and Recreation goals of the Boise City Comprehensive Plan and Boise River Plan.
 3. All new development shall utilize methods and practices, except for levees, that minimize flood damage potential to the development and prevent the increase in flood damage potential to other properties upstream, downstream or across stream. These measures shall be reviewed by the Public Works Department.
 4. Uses within the floodplain and regulations regarding development in the floodplain are also contained in Chapter 12, Boise Zoning Ordinance.
- F. Public Interest: The burden of proof always rests with the applicant to show that the proposed use does not conflict with spirit and intent of the Boise River Plan.
- G. No fill program shall adversely affect the riparian and aquatic habitats of the Boise River (formerly 11-13-05.1D3e).

(5916, Amended, 05/18/1999; 5805, Amended, 07/22/1997)

Section 11-16-05.05 Abbreviated Procedures

- A. After review of information generated by early coordination with regulatory and resource agencies and review of the preliminary site plan, the Planning Director may determine that the proposed development qualifies for the abbreviated procedures if it meets the following criteria:
1. The proposed project restores or enhances and does not materially alter the existing surface and groundwater hydrology, soils, community of plants and animals, habitat present within and adjacent to the project area and all other wetlands and riparian functions and values, and,

2. The proposed project does not affect more than 100 linear feet of river bottom or bank, nor more than 1/2 acre of Class A or B lands.

- B. Based upon the Planning Director's determination that a project qualifies for the abbreviated procedures, the applicant is relieved of the procedure of preparing the Final Site Plan.

Section 11-16-05.06 Conclusions of Law

- A. The findings of fact and conclusions of law to support decisions on Boise River System Development Permit applications must be based upon compliance with the Boise River System Ordinance. A Boise River System Development Permit may be approved when the evidence presented meets all of the following conclusions of law:
1. That the proposed development is in compliance with the applicable Standards for Uses in Class A, B or C lands and waters (Section 11-16-03).
 2. That the proposed development complies with all the policies and standards of the Boise Comprehensive Plan, the Boise River Plan, the Floodplain Ordinance (Chapter 12), and the Boise River System Ordinance (Chapter 16).
 3. That the proposed development includes measures designed to insure that natural resources functions and values are preserved or enhanced and maintained.
 4. That the proposed development complies with or shall comply with all local, State and Federal laws and regulations.

(5805, Amended, 07/22/1997)

Section 11-16-05.07 Conditions attached to Boise River System Development Permits

The Commission or Planning Director shall attach such conditions to the granting of a Boise River System Development Permit as it deems necessary to further the purposes of this ordinance, including, but not limited to:

- A. Requiring the project to be built to applicable specifications, standards or requirements of the Idaho Department of Water Resources, Army Corps of Engineers, the Idaho Fish & Game Department, U.S. Fish & Wildlife Service, Environmental Protection Agency, Boise City, and the applicant's approved Mitigation and/or Enhancement plans.
- B. A Boise River System Development Permit may be conditionally approved, but may not be issued, until all required permits from appropriate State or Federal agencies have been completed and approved.
- C. Requiring preservation and maintenance of existing vegetation and revegetation, and mitigation or enhancement of natural resource functions and values (Sections 11-16-06 & 07).
- D. Requiring structures adjacent to the Greenbelt to be landscaped consistent with the objectives of the Boise River Greenbelt or the extension of the natural setting of the Boise River (see also Section 11-16-04.2.F). Require parking areas adjacent to the Greenbelt to be screened from view at the time of construction by landscaping having a minimum height of five (5) feet.
- E. Limiting the amount of reclamation of eroded stream banks in the floodway and requiring overflow channels to remain open.
- F. Requiring construction to be limited to a certain elevation or location, requiring the use of appropriate construction equipment, specifying a time that the construction shall be conducted or



completed.

- G. Requiring bonding or other surety to guarantee completion of the construction or conditions of approval. The Planning Director shall have the discretion to allow the bonding or other surety for completion of construction or conditions of approval in the amount of 110% of the value of the construction or condition(s).
- H. Requiring written certification of completion with requirements and conditions by a registered engineer or consultant.
- I. Requiring that all sites be graded such that drainage from structures and parking areas is retained on site, or a system to assure that water quality standards shall be provided and maintained (formerly 11-13-04.4).

Section 11-16-05.08 Term of the Permit

- A. The applicant shall have 18 months, unless otherwise fixed by the Commission, in which to effect a Boise River System Development Permit after approval by the Commission. Within this period, the holder of the permit must:
 - 1. Complete, perfect or bond the condition of approval.
 - 2. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, streets, or building foundations; or
 - 3. Commence the use permitted by the permit in accordance with the conditions of approval; or
 - 4. For conceptual development permits (PUD), submit a complete application for a detailed development permit; or
 - 5. For projects which require platting, the plat must be recorded within this time frame.
 - 6. For phased projects each phase must be submitted within 24 months from the date of the concept approval or the date of approval of the previous phase, unless the Commission specifically approves a different phasing schedule.
- B. If the conditions of approval are not extended, completed or bonded within such period, said permit shall lapse.

Section 11-16-05.10 Extensions

Refer to Section 11-6-4.8 (Boise City Zoning Ordinance)

Section 11-16-05.11 Modification and Revocation

Refer to Section 11-6-4.9 (Boise City Zoning Ordinance).

(Ord. No. 5459, Enacted, 06/22/93; Ord. No. 5750, Amended, 08/27/96)

Section 11-16-06 MITIGATION

Section 11-16-06.1 Mitigation Intent

Mitigation is a process designed to offset, as much as practical, the negative effects or impacts of a proposed development upon the natural resource functions and values. Mitigation sequences have

been designed for Class A and B lands and waters (Section 11-16-06.4) and must be determined early in the planning process through the generation of field data (Section 11-16-06.5.A) and by early coordination with resource regulatory agencies (Section 11-16-06.5.B) to ensure practical and appropriate mitigation. Section 11-16-06.5.D provides a listing of preferred assessment and evaluation tools which may be used in generating a mitigation program.

Section 11-16-06.2 General Purposes of Mitigation

All new development shall be located and designed to promote Flood Protection, Fish & Wildlife habitat, Recreation, Development Opportunities, public access to the Boise River Greenbelt including handicapped accesses and other goals of the Boise City Comprehensive Plan and the Boise River Plan.

(5805, Amended, 07/22/1997)

Section 11-16-06.2.1 Class A

Site-specific mitigation goals for Class A and B Lands will be no-net-loss of existing natural resource functions and values associated with flood protection, fish and wildlife habitat, recreation and other goals of the Comprehensive Plan and Boise River Plan.

(5805, Amended, 07/22/1997)

Section 11-16-06.2.2 Class B

Site-specific mitigation goals for Class B lands are to demonstrate improvements to natural resource functions and values and mitigate negative impact to existing natural resource functions and values. Habitat enhancement compatible with surrounding environments is encouraged.

Section 11-16-06.3 Natural Resource Functions & Values

In a flood plain, continuous physical and biological interactions occur between riparian, aquatic, and terrestrial ecosystems through exchanges of surface and groundwater nutrients, and plant and animal species. Site-specific natural resource functional values and their relative importance will vary along the river and between Class A and B lands. Natural resource functions and values are:

- A. Water quality protection and improvement
- B. Habitat for fish & wildlife
- C. Nutrient retention & removal
- D. Channel stability
- E. Food chain support
- F. Flood storage & desynchronization
- G. Groundwater recharge & discharge
- H. Active & passive recreation
- I. Aesthetics
- J. Cultural resources

Section 11-16-06.4 Mitigation Measures and Sequencing for Class A, B & C Lands and Waters



A. For Class "A" lands and waters: The mitigation sequence will be examined in the order listed below. Several mitigation measures may be used in combination to provide the greatest protection to the resource. Different mitigation sequencing may be used provided extensive evidence is submitted by the applicant to justify the different sequencing and the mitigation plan adequately demonstrates the impacts and public benefits that are available by applying the different sequencing. The burden shall be on the applicant to demonstrate compliance with the minimum standards described in this Section. The mitigation sequences from the most to the least preferable is:

1. Avoid adverse impacts by selecting alternative alignments or locations.
2. Minimize impacts by limiting encroachments, using less intrusive construction techniques, or other methods.
3. Restore the impact area to as near its original condition as possible.
4. In-kind compensation, on-site.
5. In-kind compensation, off-site.

B. For Class "B" lands and waters: The mitigation sequences will be examined in the order listed below. Several mitigation measures may be used in combination. Different mitigation sequencing may be used provided extensive evidence is submitted by the applicant to justify the different sequencing and the mitigation plan adequately demonstrates the impacts and public benefits that are available by applying the different sequencing. The burden shall be on the applicant to demonstrate compliance with the minimum standards described in this Section. The mitigation sequences from the most to the least preferable are:

1. Avoid adverse impacts by selecting alternative alignments or locations.
2. Minimize impacts by limiting encroachments, using less intrusive construction techniques, or other methods.
3. In-kind or out-of-kind compensation, on-site or off-site for those functional values important for maintaining the integrity of the Boise River System and meeting the goals of the Comprehensive Plan and the Boise River Plan.

C. For Class "C" lands and waters, mitigation is not required. However, development in Class C lands shall not adversely affect adjacent and nearby habitat in Class A or Class B lands.

(5805, Amended, 07/22/1997)

Section 11-16-06.5 Procedures for Development of Mitigation Projects

A. Generation of field data: To accurately describe existing conditions, constraints and their magnitude, existing natural resource functions and values will be assessed by the applicant and provided with the project application for review by the City along with a comprehensive technical plan to mitigate for impacts to natural resource functions and values, or to enhance natural resource functions and values (Section 11-16-06.3.)

B. Early Coordination with Resource & Regulatory Agencies: Consultation with government agencies which have resource responsibilities must be initiated by the applicant as soon as practicable to determine the natural resource functions and values existing within the area requiring a Boise River System Development Permit. Consultation shall also include a discussion of the presence of threatened and endangered species, and species of special concern; fish and wildlife habitat requirements and their sensitivity to disturbance; and measures needed to mitigate

for project related impacts, or to enhance existing habitat. Consultation shall be documented.

C. Development of a Comprehensive Mitigation Design: Proposed modifications to Class A, and B lands and waters will follow the process outlined below:

1. Preliminary Site Plan:

- a. A preliminary site plan shall be developed by the applicant which includes a discussion and map identifying the location and quality of existing natural resources, impacts to those resources attributable to the proposed project, and proposed mitigation measures.
- b. This plan will be included with the application for a Boise River System Development Permit. This plan will be offered by the Planning Department to State and Federal resource and regulatory agencies, local interest groups, and affected neighborhood organizations as a part of the permit review. The review period shall commence when the City determines all required information has been provided by the applicant. The comments of these agencies and groups will be fully considered by the City in their decision to approve, approve with conditions, or disapprove the application.
- c. The mitigation plan may qualify for the abbreviated procedure if it complies with Section 11-16-05.5.

2. Final Site Plan: Upon approval of the Boise River System Permit a final site plan shall be developed by the applicant which includes a detailed description, plan view, profile, and typical sections of the mitigation project. The final site plan will fully describe proposed changes to the resource, and the materials and methods used to accomplish mitigation. It may be offered to the State and Federal agencies for review. Comments of these agencies will be fully considered by the City in its determination of whether the final site plan is in accordance with the Boise River System Permit.

3. Preliminary and final site mitigation plans will be judged on their ability to replicate floodplain and wetland hydrology and soils, their ability to replicate the species composition of the native plant community; quantifiable benefits to fish and wildlife, the protection of fish and wildlife from disturbance, and provision for all other natural resource functions and values.

4. Boise City, the applicant, and review agencies shall develop measurable and appropriate performance standards for each proposed mitigation project prior to final site plan approval.

5. The applicant shall demonstrate to the City effective measures including a financial commitment to implement the mitigation plan and the expertise to accomplish the mitigation plan. This may be demonstrated by completing the mitigation project prior to approval of development plans, posting a performance bond, or other guarantee acceptable to the City. The release of a performance bond is contingent upon the applicant demonstrating to the City compliance with the performance standards.

6. The applicant shall monitor the performance of constructed mitigation improvements for a minimum period of 18 months unless otherwise fixed by the Commission. Acceptable performance shall be judged by comparing measured values to previously agreed upon standards.

D. Preferred Assessment & Evaluation Tools: The following are recognized as preferred tools to be



used in generating information for wetland mitigation and enhancement, projects: U.S. Army COE Wetland Evaluation Technique (WET) II to identify wetland functions and values; U.S. FWS Habitat Evaluation Procedures (HEP) to quantify fish and wildlife habitat; the Federal Manual for Identifying and Delineating Jurisdictional Wetlands - Jan. 1989 (a.k.a. Unified Federal Methodology for Identification and Delineation of Wetlands); the publications Wetland Plants of the State of Idaho 1986, 1986 Wetland Plant List Northwest Region, and 1986 Wetland Plant List Intermountain Region to identify the hydrophytic character of plant species; and the publication Hydric Soils of the State of Idaho 1985 to identify hydric soils.

(Ord. No. 5459, Enacted, 06/22/93; Ord. No. 5750, Amended, 08/27/96)

Section 11-16-07 ENHANCEMENT

Section 11-16-07.1 Enhancement Intent

The goal of enhancement shall be to encourage where appropriate innovative development design to increase the quantity and improve the quality of existing natural resource functions and values.

Section 11-16-07.2 Enhancement Plans

Enhancement plans may be submitted, but are not required, as part of an application for a Boise River System Development Permit. If they are submitted, they shall comply with Section 11-16-7.3.

Section 11-16-07.3 Enhancement Design Standards

A. Enhancement of Class A, B and C waters.

1. Enhancement of waters held by Fish and Game: Enhancement or creation of water amenities that use waters held by Fish and Game shall be designed for the propagation and perpetuation of fish and wildlife resources, and;
2. Enhancement of Non-Fish and Game Waters: Enhancement or creation of water amenities not held by Fish and Game may be designed to enhance fish and wildlife resources or to provide a visual amenity.

B. Enhancement of Class A, B and C Passive Open Space Lands

1. Class A Passive Open Space: Class A Passive Open Space Lands shall be designed with the primary intent of providing enhancement to fish, wildlife and riparian resources with specific design or attention given to Eagles, Blue Heron, Trout and/or water fowl. Vegetation shall be predominantly native or naturalized plant species.
2. Class B and C Passive Open Space Lands: Class B and C Passive Open Space Lands should be designed to encourage the creation of fish, wildlife and riparian resources and to create transition between natural areas and areas of more intense development. Vegetation may be a combination of native or naturalized vegetation and ornamental or exotic species.

Native and naturalized vegetation should be located near established or created habitat areas and transition to more ornamental species towards or within the development.

C. Waiver of Standards: In order to provide an incentive for higher quality and more extensive enhancement plans, waivers of zoning and subdivision standards may be requested.

1. Waivers may be granted by the Commission or Council on enhancement plans that have been designed in accordance with Section 11-16-7; and that the enhancement plan is in

compliance with the Boise River System Ordinance.

2. Waiver of Standards may be approved when evidence presented meets the following conclusions of law:

- a. That the proposed enhancement plan is in compliance with the applicable standards of Section 11-16-7.
- b. That the proposed enhancement plan complies with all local, State and Federal laws and regulations.
- c. That the waivers requested ensure a benefit to the public.

3. Examples of waivers that may be requested are:

- a. The waiver of sidewalk standards for the construction of pedestrian, bicycle and/or nature's trails, that functionally replace the sidewalks. Pedestrian pathways shall be encouraged to be available on both sides of streets.
- b. Reduction in street width standards to minimize impervious surfaces and to provide more land for vegetation and habitat improvements, provided, however, that private streets are to be discouraged.
- c. Flexibility in lot size and setback standards to provide large areas increasing habitat.
- d. Density transfers and clustering of uses to provide larger areas for habitat improvements.
- e. Permit stream and irrigation system waivers from the design requirements of the subdivision ordinance.
- f. Permit fencing waivers from irrigation and streams as required in the subdivision ordinance.
- g. Permit waivers of drainage standards, as long as drainage and water quality goals are met.
- h. Permit flexibility in the enhancement of existing marginal Class A lands by permitting enhancements that improve the river riparian values.
- i. Public safety considerations.
- j. Any waiver or variance from setback requirements under this Ordinance must be shown to be required by legal necessity (a taking would otherwise occur) or to promote and enhance public safety, or that strict compliance with the setback in a given area would result in more damage to the habitat and environment than would granting the waiver or variance under the provisions of this and other ordinances.

Section 11-16-07.4 Procedures for Development of Enhancement Projects

A. Generation of Field Data: The information required in Section 11-16-06.5.A. shall be gathered and used to aid in the design of the enhancement plan.



- B. A combined Mitigation and Enhancement preliminary plan may be submitted if the plans clearly designate which features fulfill the Mitigation Requirements and which features fulfill the Enhancement Plan. Enhancement features may be considered part of a Mitigation Plan only if such features meet the standards of 11-16-06.4 and 06.2.
- C. The submitted Enhancement Plan should include the following:
 - 1. Preliminary Site Plan: A preliminary site plan submitted by the applicant shall identify the location and quality of existing natural resources, impacts to those resources and the proposed enhancement measures.
 - 2. The preliminary Site Plan will be offered by the Planning Department to State and Federal resource and regulating agencies having resource responsibilities, and affected neighborhood organizations.
 - 3. Final Site Plan: Upon approval of the Boise River System Permit and prior to construction, a final site plan shall be submitted by the applicant to the Planning Division. The final Site Plan shall show the final conditions of approval.
 - 4. Abbreviated Procedures: The Enhancement Plan may qualify for the abbreviated procedures if it complies with Section 11-16-5.5.
- D. The applicant shall monitor the performance of constructed enhancements for a minimum period of 18 months unless otherwise fixed by the Commission. Acceptable performance shall be judged by comparing measured values to previously agreed upon standards.
- E. The applicant shall demonstrate to the City effective measures including a financial commitment to implement the enhancement plan and the expertise to accomplish the enhancement plan. This may be demonstrated by completing the enhancement project prior to approval of development plans, posting a performance bond, or other guarantee acceptable to the City. The release of a performance bond is contingent upon the applicant demonstrating to the City compliance with the performance standards and perpetual maintenance of the enhancements.

(Ord. No. 5459, Enacted, 06/22/93; Ord. No. 5750, Amended, 08/27/96)

(5895, Amended, 02/23/1999)

Section 11-16-08 VARIANCES AND APPEALS, MISCELLANEOUS, VIOLATIONS

11-16-08.1. Variances

Any variance to the requirements imposed by this ordinance, and enforced by this ordinance shall require review and approval by the Planning & Zoning Commission in accordance with the criteria of this section and Section 11-06-11.

Section 11-16-08.2 Appeals

- A. An appeal of an administrative decision by the Planning Director shall follow the procedures listed in Section 11-03-7.1 of the Boise City Zoning Ordinance.
- B. An appeal of the Planning & Zoning Commission's decision shall follow the procedures listed in Section 11-03-07.2 of the Boise City Zoning Ordinance.

Section 11-16-08.3 Miscellaneous

- A. Severability: If any provisions of this ordinance or the application to any persons or

circumstances is held invalid, the remainder of the ordinance or the application or provisions to other persons or circumstances shall not be affected thereby.

- B. Fees: The Planning Director shall maintain a current list of fees for all zoning applications. The fees for zoning applications may be revised only by the City Council.
- C. Abrogation & Greater Restrictions: The provisions of this ordinance shall be in addition to, and shall not be deemed to repeal, abrogate, or impair any other ordinance, regulation, easement, covenant or deed restriction. In the event that the provisions of this ordinance and any other ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever has the more restrictive requirements shall control.

Section 11-16-08.4 Violations & Enforcement

- A. Any person, entity or organization which performs or causes or permits to be performed any work or activity in violation of Chapter 16 of the Boise City Zoning Ordinance, or who performs any work in excess of the authority granted by the issuance of a Boise River System Development Permit hereunder, shall be guilty of a misdemeanor; and upon conviction thereof may be sentenced to serve up to six (6) months in jail or pay a fine of up to three hundred dollars (\$300) or both. Each day or portion thereof during which any work performed in violation of this Chapter continues in existence shall constitute a separate and distinct violation of these provisions.
- B. The City shall require any construction done in violation of Chapter 16 to be redone to meet requirements of the permit, or may require the construction to be removed and the area returned to its original condition at the expense of the owner or applicant.
- C. In the event the construction is determined to be a nuisance or is by its terms a nuisance the City may abate the nuisance and recover its expenses pursuant to Boise City and Idaho State Codes.(Ord. No. 5459, Enacted, 06/22/93)



A:

Abandon:

The discontinuance of a use; the alteration of a use; or act of changing one use to another use, whether to a more restrictive or to a more expansive use.

Abate:

In the context of violations or nuisances, to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such manner and to such an extent as the City's code enforcement staff shall determine is necessary in the interest of the general health, safety and welfare of the community.

Abutting:

Having property lines in common. Separation by a street right-of-way is not considered abutting.
See: **Contiguous**.

Access:

The place, means or way by which pedestrians or vehicles have ingress and egress to a property, use or parking space.

Access Connection:

Any driveway, street, turnout or other means of approach to provide vehicular or pedestrian ingress and egress to a property or to and from the roadway system.

Access Management:

The management of the interference with through traffic caused by traffic entering, leaving and crossing roads. It is also the control and regulation of the spacing and design of driveways, medians, median openings, traffic signals and intersections on roads to improve safe and efficient traffic flow.

Accessible/Accessibility:

The ability to physically reach desired destinations, services and activities.

Accessory Building or Structure or Use:

A building or structure or use subordinate and incidental to the principal building or principal use located on the same lot, and which does not alter the essential characteristic of the principal building or principal use considered as a whole.

Adjacent:

See: **Contiguous**.

Administrative Decision:

Any decision on a development application made by the Planning Director.

Administrative Permit:

See: **Development Permit; Zoning Certificate**.

Administrative Procedures:

The procedures for rendering an administrative decision relating to an Administrative Permit.

Administrator:

See: **Planning Director**.

Adult Day-care Center/Adult Day-care Residence:

A facility for four or more aged, infirm or disabled adults, which is operated only during a part of the day, and which provides supplementary care of individuals who reside elsewhere.

Affordable Housing:

Housing with a recorded restriction that requires the housing for a certain minimum number of years to be rented or owned by families and individuals whose income is no more than the household income threshold requirement of a percentage of the area median income and adjusted for family size as determined by the U.S. Housing and Urban Development guidelines.

Agriculture:

The use of land for cultivation or growth of horticultural, floricultural, forestry, dairy, livestock, poultry and apiarian products, and including the customary accessory uses which are normally associated with such activities.

Alley:

An unnamed public or private right-of-way that is primarily designed to serve as secondary access to the rear or side of those properties whose principal frontage may be on some other street.

Allowed Use:

Any use authorized or permitted alone or in conjunction with another use subject to the limitations of the regulations of the specific district.

Alteration, Incidental:

Modifications to a building or structure that are of a cosmetic or incidental nature, including repairs.

Alterations, Structural:

Any change, other than cosmetic or incidental repairs, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams and girders.

Amenity:

Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may include, without limitation, recreational facilities, pedestrian plazas, views, streetscape improvements, special landscaping, or attractive site design, pedestrian shelters, and gazebos.

Americans with Disabilities Act (ADA):

Federal legislation that prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed and altered in compliance with the accessibility standard established by the Act and the Act's implementing regulations. 42 U.S.C. § 12181 *et seq.*; 28 C.F.R. parts 35 and 36.

Apartment:

A room or suite of rooms in a multi-family building that is arranged, designed or used as a single household, including complete kitchen and sanitary facilities permanently installed.

Apartment Building:

See: **Dwelling, Multi-family**.

Appeal:

A request for a review of any decision in connection with, or interpretation of, an application.

Applicant:

Any person, firm, partnership, joint venture, association, corporation, group or organization, including any designated representative thereof, undertaking development, subdivision and/or construction as regulated.

Application:

The completed form or forms and all accompanying documents, exhibits and fees required of an applicant by the applicable governmental agency.

Appropriate:

Fitting to the context of a site, neighborhood or the community as a whole.

Arborist:

An individual trained in arboriculture, forestry, landscape architecture, horticulture or related fields and experienced in the conservation and preservation of native and ornamental trees.

Archaeological Site:

Ruins, artifacts, structural remains and other resources of types that cannot be commonly found throughout a region or in other places across the country, and/or physical evidence of historic or prehistoric human life or activity that are visible and capable of being inventoried and interpreted.

Architect:

An individual licensed by the State of Idaho to practice architecture.

Architect, Landscape:

An individual licensed by the State of Idaho to practice landscape architecture.

Architectural Composition:

The scale, height, mass, proportion, color, form, style, detail treatment, texture, construction materials and roof design of a project or building.

Architectural Features:

Functional, ornamental or decorative features integral or attached to the exterior of a structure, such as roof elements, cornices, eaves, gutters, belt courses, sills, lintels, windows, doors, transoms, fan lights, side lights, chimneys and other elements of exterior embellishment.

Architecture:

The art and science of designing and constructing buildings and structures adapted to their purposes, one of which is beauty.

Articulation:

An architectural term that refers to dividing building façades into distinct parts that reduce the appearance of the building configuration adjacent to the sidewalk, identify building entrances and minimize uninviting blank walls.

Artisanal Use:

The manufacture and sale of artifacts utilizing only hand-held and/or table mounted electrical tools contained within an enclosed structure.

As-built Drawing:

See: **Record Drawing.**

Assisted Living Facility:

Adult care residence for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living, including providing rooms, meals, personal care, and supervision of self-administered medication. They may provide other services incidental to the above.

Attached Residential:

See: **Dwelling, Duplex or Dwelling, Townhouse.**

Auditorium:

A room, hall, or building that is a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

Automobile Repair Shop:

A shop or place of business used for the repair and maintenance of motor vehicles and other motor vehicle equipment.

Automotive Repair, Major:

Engine rebuilding or major reconditioning of worn or damaged motor vehicles, including body, frame or fender straightening or repair, and/or painting of vehicles.

Automotive Repair, Minor:

The sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, but not including any operation specified under "Automotive Repair, Major."

Average Daily Traffic (ADT):

The measurement of the average number of vehicles per day that pass over a given point on a road for both directions.

Awning:

A projecting cover extending over a door, window or wall section with supports attached to the building and used as cover, protection and/or as decoration.

B:

Backbuilding:

A single-story structure connecting a principal building to an outbuilding.

Balcony:

An exterior floor projecting from and supported by a structure without additional independent supports.

Balustrade:

A railing consisting of a handrail or balusters.

Banner:

See: **Sign, Banner.**

Bar:

Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption.

Basement:

Any area of the building having its floor subgrade (below ground level) on all sides.

Berm:

An earthen mound or embankment designed to separate land uses, provide visual interest, screen views, reduce noise or fulfill other such purposes.

Best Management Practices (BMPs):

A combination of conservation measures, structures or management practices that reduce or avoid adverse impacts of development on an adjoining site's land and/or water.

Bicycle Facilities:

A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities, mapping, bicycle lanes and bicycle paths.

Bicycle Lane:

A corridor expressly reserved for bicycles, existing on a street or roadway in addition to any lanes for use by motorized vehicles.

Bicycle Path

See: **Path, Bicycle.**

Big Box Retail:

A single retail establishment with a gross floor area not less than 75,000 square feet, and which may include fast food restaurants and other accessory retail uses that are entered from inside the primary big box retail establishment.

Block:

The aggregate of private lots, passages, rear lanes and alleys, circumscribed by thoroughfares.

Block Face:

The aggregate of all the building façades on one side of a block. The block face provides the context for establishing architectural harmony.

Boarding House:

A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single household.

Buffer:

A natural or enhanced vegetated area or a combination of physical space and vertical elements, such as plants, berms, fences or walls, the principal purpose of which is to make a transition between certain areas, to separate one use from another, or to shield or block noise, lights, glare, pollutants or other potential or actual nuisances.

Build-to-line:

A condition of setbacks in which a continuous building line creates a consistent street edge with the intent of providing a positive visual image to pedestrians and motorists.

Buildable Area:

The portion of the lot or parcel, exclusive of required yard areas, setbacks, landscape or open space within which a building or structure may be built.

Building:

Any structure built for support, shelter, or enclosure for any occupancy. "Buildings" are "structures" that may be occupied. "Structures," unless they are "buildings," may not be occupied.

Building, Accessory:

A building which is subordinate to, and the use of which is incidental to that of the principal building or use on the same lot; but not including any building containing a dwelling unit as hereinafter defined.

Building Configuration:

The form of a building, based on the building's massing, frontage and height.

Building, Courtyard:

A building that occupies all or most of the edges of a lot or parcel while internally defining one or more private spaces. This is the most urban of building types and its design may allow a complete shield between the private realm and the public realm.

Building Disposition:

The placement of a building on the building's lot.

Building, Edgeyard:

A building that occupies the center of the building's lot with setbacks on all sides.

Building, Estate House:

An edgeyard building type. A single-family principal building on a larger lot of more rural character often shared by one or more outbuildings.

Building Façade:

That exterior side of a building which faces, and is most nearly parallel to, a public or private road.

Building Face or Wall:

All windows and wall area of a building on one elevation.

Building Height:

The vertical extent of a building measured in stories or feet, not including a raised basement or a habitable attic. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads and similar structures. Building Height is measured from the average grade of the enfronting street.

Building, Principal:

A building on a lot usually located toward the frontage in which is conducted the main or principal use of the lot on which the building is situated.

Building, Rearyard:

A rearyard building occupies the front of its lot or parcel leaving the rear portion of the lot or parcel as a private space.

Building, Sideyard:

A building that occupies one side of a lot with the setback to the other side.

Building Type:

A structure category determined by function, disposition on the lot, and building configuration, including frontage and height.

Built Environment:

The elements of the environment that are generally built or made by people as contrasted with natural processes.

Business:

The purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreation or amusement enterprises or the maintenance and use for offices or professions and trades rendering services.

Business or Trade School:

See: **School, Business or Trade.**

C:

Caliper:

A measurement of the diameter of the trunk of a tree. The caliper of the trunk shall be measured 12 inches above the ground for all trees.

Canopy:

A permanent roof-like shelter extending from part of all of a building face and constructed of some durable material such as metal, glass, fabric or plastic.

Canopy Sign:

See: **Sign, Canopy.**

Capacity:

See: **Highway Capacity.**

Car Wash:

An establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment operated by one or more attendants, or by self-service facilities.

Carry-out Food Service:

A business whose principal purpose is the preparation and sale of food or beverages for consumption off-site, such as delicatessens, ice cream stores and hot dog stands, but shall not include liquor stores, restaurants, and drive-through commercial establishments.

Certificate of Occupancy:

A document issued by the City pursuant to the City's adopted building Code permitting the occupancy of a building either temporarily before all improvements have been completed, or permanently once required improvements have been completed.

Change in Use:

A change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of the land.

Character:

The image and perception of a community as defined by its built environment, landscape, natural features and open space, types and style of housing and commercial buildings, and number and size of roads and sidewalks.

Chimney:

A primarily vertical enclosure containing one or more passageways for conveying flue gases to the outside atmosphere.

Church:

See: **Place of Worship.**

City:

The City of Boise City, Idaho.

City Council:

The City Council of the City of Boise.

Civic:

The term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit and/or municipal parking.

Civic Building:

A meeting place, either a building or a complex of buildings, used for recreational, social education and cultural activities.

Civic Space:

An outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationship between the intended use, the size, the landscape and the enfronting buildings.

Clear Vision Triangle:

The Clear Vision Triangle at street intersections is formed horizontally by measuring 40 feet along the roadway edges from the intersection of the roadway edges, and vertically by measuring between 36 inches and 8 feet above grade. The Clear Vision Triangle at driveway and street intersections is formed horizontally by measuring 10 feet into the lot as measured from the sidewalk edge that is closest to the lot line (or from the lot line if no sidewalk exists), and 20 feet along the sidewalk edge (or lot line if no sidewalk exists) parallel to the street, and vertically by measuring between 36 inches and 8 feet above grade. The Clear Vision Triangle at urban streetscape intersections is formed horizontally by measuring 30 feet along the roadway edges from the intersection of the roadway edges and vertically by measuring between 36 inches and 8 feet above grade.

Clinic:

An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined,

and/or treated by one or more persons providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons.

Cohesiveness:

Unity of composition among elements of buildings and/or structures and the landscape environment.

Collector:

A street that typically balances traffic mobility and access to land. Collector streets provide both land access service and traffic circulation within residential neighborhoods, commercial and industrial areas. Collector streets pass through residential neighborhoods, distributing trips from the arterials through the area to the ultimate destination. Collector streets also collect traffic from local streets in residential neighborhoods and channel it into the arterial system.

Colonnade:

A roof or structure, extending over a sidewalk, open to the street and sidewalk except for supporting columns or piers.

Commercial:

The term collectively defining workplace, office and retail functions.

Commercial Parking Lot:

See: **Parking, Commercial.**

Commercial Recreational Facility:

A use of land and/or buildings that involve the provision of sports and leisure activities to the general public for a fee, including, without limitation, amphitheaters, miniature golf courses, equestrian centers, assembly halls, auditoriums, art galleries, billiard halls and pool rooms, amusement halls, ice and roller skating rinks, fully-enclosed theaters, physical fitness centers and health clubs.

Commercial Uses:

Retail business and service establishments, professional offices, and developed recreational uses.

Commission:

The Planning & Zoning Commission of the City of Boise, Idaho.

Common Area:

Land within a development that is not individually owned or dedicated for public use but which is designed and intended for the common use or enjoyment of the residents of the development. The Common Area may include complementary structures and improvements.

Common Destination:

An area of focused community activity defining the approximate center of a Pedestrian Shed. A Common Destination may include, without limitation, one or more of the following: a Civic Space, a Civic building, a Commercial center, a bus stop. A Common Destination may act as the social center of a Neighborhood.

Common Driveway:

A shared access way that serves separate parcels or lots, each having public street frontage.

Common Yard:

See: **Frontage Types**

Community Livability:

Refers to the environmental and social quality of an area as perceived by residents, employees, customers and visitors, including safety and health, local environmental conditions, quality of social interactions, opportunities for recreation and entertainment, aesthetics and existence of unique cultural and environmental resources.

Compatibility:

With regard to development, the characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict. With regard to buildings, harmony in the appearance of architectural features in the same vicinity.

Comprehensive Plan:

The Comprehensive Plan for the City officially adopted January, 1997 by the City Council as such and as subsequently amended through the date of adoption of the Harris Ranch Specific Plan Code.

Condominium:

A building or group of buildings in which dwelling units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis and which has been created by the recordation of condominium instruments.

Condominium Association:

See: **Owners' Association.**

Conservation Easement:

A conservation easement restricts the existing and future use of the defined lot or parcel to conservation use, passive recreation or other use approved by the property owner and easement holder and prohibits further subdivision or development.

Construction Plan:

The maps or drawings accompanying a subdivision plat or site plan and showing the specific location and design of improvements to be installed in the subdivision, lot or parcel.

Context:

The nature of the natural or built environment created by the land, topography, natural features, buildings and associated features, land use and activities on property adjacent to roads and sidewalks. Context also refers to a broader area created by the surrounding neighborhood, district or community, and also refers to the diversity of users of the environment.

Contiguous:

Abutting, bordering or joining at the border or surface. Contiguous or adjacent property is property that adjoins another piece of property. See: **Abutting.**

Contractor's Yard:

An establishment engaged in the provision of construction activities, including, without limitation, plumbing, electrical work, building, grading, paving, roofing, carpentry, landscaping, and other such activities, including the storage of material and the overnight parking of commercial vehicles.

Convenience Retail Center:

A neighborhood-oriented shopping center or freestanding enterprise designed to serve patrons on a short term drop-in-basis, typically containing, without limitation, a small food and sundries store, drug store, carry-out food service, hairdresser, or barber, or dry cleaning pick-up store.

Convenience Storage Facility:

A storage service, located within an enclosed structure, primarily for personal effects and household goods having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activities.

Convenience Store:

A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast-food items, and whose business is mostly dependent on quick stops by its customers. A convenience store operation may also include self-service gasoline sales.

Cornice:

A building's horizontal element member, structural or nonstructural, at the top of the exterior wall or projecting outward from an exterior wall at the roofline, including eaves and other roof overhang.

Corridor:

A road that provides for the movement of people and goods between and within activity centers. A corridor encompasses single or multiple transportation routes or facilities (such as, connectors, bikeways, etc.), the adjacent land uses and the connecting network of streets. A Corridor may also be a strip of land forming a passageway between two otherwise separate parts.

County Recorder:

The Office of the County Recorder of Ada County, Idaho.

County Surveyor:

The professional land Surveyor appointed by the Ada County Board of County Commissioners to review plats and make surveys, maps and plats ordered by the Ada County Board of County Commissioners.

Courtyard:

An open and unoccupied space on the same lot as a building where such space is enclosed wholly or partly by buildings, walls or other enclosing devices.

Courtyard Building:

See: **Building, Courtyard.**

Courtyard, Inner:

Any courtyard enclosed wholly by buildings, walls or other enclosing devices.

Courtyard, Outer:

A courtyard extending to and opening upon a street, public alley or other open space.

Critical Root Zone (CRZ):

The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to



give a tree a reasonable chance of survival. The CRZ will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to 1½ times the number of inches of the tree trunk diameter.

Cross Access:

A right-of-way providing vehicular and/or pedestrian access between two or more contiguous lots or parcels.

Crosswalk:

A portion of a road designated for pedestrian crossing, marked or unmarked.

Cul-de-sac:

A dead-end road of limited length and constructed with a turnaround at its terminus.

Curb:

The edge of the vehicular pavement of a road detailed as a raised curb or flush to a swale. The curb usually incorporates the stormwater drainage system.

Curb Cut:

The providing of vehicular ingress and/or egress between property and an abutting road.

Curb Face:

The vertical or shaped portion of a curb, facing the roadway, and designed to direct stormwaters.

Curb Radius:

The curved edge joining the intersecting street curbs at a street corner, also known as curb-return radius and intersection curb radius.

Cutoff Fixture:

A fixture with elements such as shields, reflectors, or reflector panels that direct and cutoff the light at an angle that is less than 90°. Typically this type of fixture conceals the light source, thus reducing glare and spill over of light.

D:

Dam:

An embankment or structure intended or used to impound, retain or store water, either as a permanent pond or as a temporary storage facility.

Day care home:

A dwelling in which a permanent occupant of the dwelling provides for the care of children or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and who are not dependents of the occupant, do not reside on the site. For the purpose of this ordinance, such activities shall meet all requirements for home occupations. If children are the primary clients of the use, the following standards must be met: (1) the home meets all state standards for registration and inspections; (2) the number of children does not exceed five preschool children, and three school-age children not including the caregiver's children.

Day care facility:

A facility that provides nonmedical care to individuals in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers and family day care homes.

Deck:

An exterior floor supported on at least two opposing sides by an adjacent structure, posts, piers or other independent supports.

Density:

The number of dwellings per unit of land or the number of dwelling units within a standard measure of land area, usually stated as the number of dwelling units per acre.

Design:

The physical aspects of a development, road improvement or other construction project. Design includes, without limitation, such items as street alignment, grading, landscaping, site layout, building elevations and signing, and evaluation of the technical elements of the submitted materials as well as determination of how well the plan itself meets officially adopted criteria.

Design Control:

Factors, physical and operational characteristics and properties that control or significantly influence the selection of certain geometric design criteria and dimensions. For example, design speed, traffic, pedestrian volumes and sight distance are examples of Design Controls in connection with the design of roads.

Design Guidelines:

Standards of appropriate activity that will establish, preserve, or enhance the architectural character and site design and function of a building, structure, or development.

Design Review:

The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting and signs, in accordance with a set of adopted criteria and standards.

Design Standards:

A set of guidelines regarding the architectural appearance of a building or improvement, that governs the alteration, construction, demolition or relocation of a building or improvement.

Design Vehicle:

A vehicle type that must be regularly accommodated without encroachment into the opposing traffic lanes. A condition that uses the Design Vehicle arises where large vehicles regularly turn at an intersection with high volumes of opposing traffic (such as, a bus route).

Detail:

A small feature or element that gives character to a building or structure.

Detention Pond:

A human-made or natural water impoundment designed to collect surface and subsurface water in order to impede the water's flow and to release the water gradually into natural or human-made outlets or channels. See also **Retention Pond**.

Developer:

An individual or business that prepares land for the construction of buildings, or causes to be built physical building space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental to another business or activity.

Development:

Any human-made change to improved or unimproved real property. In addition to structural construction, the term includes mining, drilling, dredging, grading, paving, excavation, filling, private planting or removal of vegetation.

Development Application:

See: **Application**.

Development Order:

Any action granting, denying or granting with conditions, an application for a development permit.

Development Permit:

Without limitation, any building permit; fence permit; home occupation permit; sign permit; temporary use permit; certificate of occupancy; preliminary subdivision plat; final subdivision plat; comprehensive plan amendment; specific plan; or any other official action of a local government having the effect of permitting development of lot(s) or parcel(s).

Development Plan:

A to-scale drawing of a single-family residential, multi-family residential, institutional, office, commercial or industrial development, or some combination thereof, showing the general layout of a proposed development including among other features the location of buildings, parking areas, buffers and landscaping and open spaces.

Direct light:

Light emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Director:

See: **Planning Director**.

District:

Ada County Highway District (ACHD).

Dormer:

A window projecting from a roof.

Drainage Basin:

The area from which water is carried off all facilities, channels and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

Drive-through Use:

An establishment which by design, physical facilities, service, or by method of sale encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their vehicles. The term "drive-through use" also includes automated tellers, cleaners, pharmacies, fuel and restaurants, car wash, gasoline service station and quick lubrication.

Driveway:

A private, vehicular access lane connecting a house, carport, parking area, garage, or other buildings or parking lot with the street.

Drugstore:

A pharmacy where the sale of non-drug, non-proprietary medications and other non-pharmaceutical items constitutes a portion of the retail business.

Duplex:

See: **Dwelling, Duplex.**

Dwelling, Accessory:

A dwelling unit that is added to the structure of a principal building or an outbuilding for use as a complete, independent living facility for a single household, with provision within the accessory dwelling for cooking, eating, sanitation and sleeping. Accessory dwellings do not count toward maximum density calculations.

Dwelling, Duplex:

A building on a single lot or parcel, consisting of two single-family dwelling units separated by a party wall.

Dwelling, Multi-family:

A building, or portion thereof, containing three or more dwelling units excluding attached single-family townhouse units located on individual lots.

Dwelling, Patio Home:

A building on a separate lot consisting of a single-family dwelling with open space setbacks on three sides and with a courtyard.

Dwelling, Single-family Attached:

A building consisting of two single-family dwelling units separated by a party wall, with each dwelling located on a separate lot.

Dwelling, Single-family Detached:

A building on a single lot consisting of one single-family

dwelling which is surrounded on all sides by yards or other open space located on the same lot, and which is not attached to any other dwelling by any means.

Dwelling, Townhouse:

A one-family dwelling in a row of at least three such units in which each dwelling unit is located on a separate lot, has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical party walls. See: **Building, Rearyard.**

Dwelling Unit:

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

E:

Easement:

A right of use of land, less than fee simple, granted by the landowner to another for a certain stated purpose.

Eave:

The projecting lower edges of a roof overhanging the wall of a building.

Eave Line:

The extension of a roofline beyond the vertical wall of a building.

Edgeyard Building:

See: **Building, Edgeyard.**

Elevation:

An exterior wall of a building not along a frontage line. See also: **Façade.**

Emergency Access:

A means of providing an additional route of access to a development for emergency vehicles, which access is typically restricted with bollards, gates or some other means of prohibiting general use by the public.

Enfront:

To place an element along a frontage line.

Engineer:

An individual licensed by the State of Idaho to engage in the practice of engineering.

Entrance, Principal:

The main point of access for pedestrians into a building.

Environment:

The natural environment includes the topography, natural landscape, flora and fauna, streams, lakes and watersheds, and other natural resources, while the human/built environment includes the physical infrastructure of the community, as well as its institutions, neighborhoods, districts, and historical and cultural resources. See also: **Context.**

Environmental Constraints:

Features, natural resources, or land characteristics that are sensitive to development activities or installation of improvements and may require the application of creative development techniques to prevent degradation of the

environment when developed.

Existing Development:

Any development for which an application was submitted prior to the effective date of an applicable law, code and/or regulation that has not expired, and was given approval entitling the applicant to proceed with preliminary or final platting, conditional use, building permits or concept plans.

External Buffer:

A vegetated area along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

External Design Feature:

The general arrangement of any portion of buildings, structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs, and fixtures of portions which are open to the public view.

F:

Façade:

The exterior wall of a building that is set along a frontage line.

Facility:

All or any portion of a building, structure or area, including the site on which the building, structure or area is located, wherein specific services are provided or activities are performed.

Family:

Two or more persons related by blood, marriage, adoption or not more than four persons not related by blood, marriage or adoption, occupying a dwelling unit as an individual housekeeping organization.

Fence:

An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

Fence, Living:

A hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an "open" effect and would block the line of sight.

Fence, Open:

A fence constructed of material that does not block the line of sight.

Fence, Solid:

A fence, including entrance and exit gates that block the line of sight.

Fenestration:

The organization of windows on a building façade or elevation.

Filling:

The act of placing fill material including the temporary stockpiling of fill material.

Fire Flow:

The flow of water in pipes at a rate and time duration necessary for fire suppression purposes.

Fire Protection Facilities:

Fire stations and major pieces of fire fighting apparatus, including, without limitation, pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by the City or a fire district.

Flag Lot:

See: **Lot, Flag.**

Floodplain Administrator:

See: **Planning Director**

Footcandle:

A unit of illumination on a surface, all points of which are one foot from a uniform point source of light of one candle.

Footprint:

The total square footage on the ground of all buildings and structures on a lot or parcel, measured from the outside of all of the exterior walls and supporting columns. It may include attached or detached garages, covered carports, roofed or unroofed porches and decks, and accessory structures.

Foundry:

The building and works for casting metals, only as it relates to the fabrication of art.

Forecourt:

See: **Frontage Types**

Front Lot Line:

See: **Lot Line, Front**

Front Porch:

An un-airconditioned roofed structure attached to the front of a dwelling unit.

Front Setback:

See: **Setback, Front**

Front Yard:

See: **Yard, Front.**

Frontage:

The distance along which a lot abuts an accessible street right-of-way.

Frontage, Double:

A lot that extends from one street to another.

Frontage Line:

Those lot line(s) that coincide with a public frontage. Façades along frontage lines define the public realm and are therefore more regulated than the elevations that coincide with other lot lines. See: **Lot Line, Front.**

Frontage, Retail:

Frontage designated that requires the provision of a shopfront, causing the ground level to be available for retail use.

Frontage Road:

A public or private drive that generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the main street.

Frontage Types:

Common Yard: A frontage where the façade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous in landscaping with adjacent yards, supporting a common rural landscape. Common yards are suitable along higher speed thoroughfares, as the deep setback provides a buffer.

Forecourt: A frontage where a portion of the façade is close to the frontage line while a substantial portion of it is set back. The forecourt created is suitable for gardens and drop-offs.

Porch and Fence: A frontage where the façade is set back from the frontage line with an attached porch encroaching within a conversational distance of the sidewalk. A fence at the frontage line maintains the demarcation of the yard.

Stoop: A frontage where the façade is aligned close to the frontage line with the lower story elevated from the sidewalk sufficient to secure privacy for the windows. The access is usually an exterior stair and landing. This type is

recommended for ground-floor residential uses.

Shopfront and Awning: A frontage where the façade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use with a substantial glazing on the sidewalk level, and an awning placed so as to overlap the sidewalk to the maximum possible.

Terrace or Light Court: A frontage where the façade is set back from the frontage line by an elevated garden or terrace, or a fenced sunken light court. This frontage type buffers residential use from urban sidewalks, removing the private yard from public encroachment.

Full Median Opening:

An opening in a restrictive median that allows all turning movements from the roadway and the intersecting road or access connection.

Fully Shielded:

A light fixture shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Functional Classification:

A system in which roads are grouped into classes according to the character of service the roads are intended to provide.

Furnishing Zone:

The area of the Streetscape that provides a buffer between pedestrians and vehicles. The furnishing zone contains landscaping, public street furniture, transit stops, public signage, utilities and fire hydrants.

G:

Gable:

The triangular upper portion of an end wall, underneath a peaked roof.

Garage, Private:

An enclosed accessory building or an accessory portion of a principal building designed for shelter or storage of vehicles, owned or operated by the occupants of the principal building.

Garage, Public:

A building or portion thereof, except a private garage, used or designed to be used for the storage of motor vehicles.

Garden Apartment:

A two-story or three-story multi-family dwelling with not less than eight or more than 20 dwelling units in each building, accessed from a common hall or individual entrances, and with the dwelling units located back to back, adjacent or on top of each other.

Gasoline Service Station:

Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced. The term “gasoline service station” also includes any premises where gasoline and other petroleum products are sold and light maintenance activities may be conducted.

Gateway Street:

A major corridor of entry into the City of Boise, as identified in the Comprehensive Plan, that creates an initial impression of Harris Ranch and the City for visitors. Gateway Streets in Harris Ranch include Warm Springs Avenue and ParkCenter Boulevard.

Girdling:

Damaging or removing the bark and cambium layer around a tree trunk in a manner that tends to kill the tree.

Glare:

Light emitting from a luminaire with an intensity great enough to reduce a viewer’s ability to see, or that causes distraction, annoyance or discomfort.

Global Positioning System (GPS):

A satellite-based radio navigation system developed and operated by the U.S. Department of Defense (DOD). GPS permits land, sea, and airborne users to determine their three-dimensional position, velocity, and time.

Governing Body:

The City Council of the City of Boise.

Government Office:

Any room, clinic, suite or building wherein the primary use is to conduct governmental business.

Grade:

The elevation of the finished surface of the ground adjacent to the exterior wall of a building or structure. If a berm has been created adjacent to the structure, or if the structure is built on top of a berm, grade will be considered the lowest point of the berm.

Grade, Average:

The elevation determined by averaging the highest and lowest elevations of a lot or parcel or other defined area of land.

Grade, Established:

The curb line grade at the lot lines established by the City Engineer, or otherwise established by law.

Grade, Existing:

The elevation of the land surface at any given point prior to cutting or filling that may be determined by on-site evidence such as vegetation, ground level on adjacent land, elevation of adjacent streets and roads and soil types and locations.

Grade, Finished:

The final elevation and contouring of the land after cutting and/or filling and conforming to the proposed design.

Grade Plane:

A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

Grading:

Any excavation, filling or movement of earth for purposes of changing the shape or topography of the land.

Green:

An open space available for unstructured recreation, its landscaping consisting of grassy area and trees. **See also: Open Space.**

Greenway:

An open space corridor in largely natural condition that may include trails for bicycles and pedestrians.

Grocery Store:

A store that primarily trades in staple food stuffs and other commodities for use off-site.

Gross Acre:

A full acre of land prior to subdivision and prior to dedication of any required right-of-way or easement.

Gross Area:

The area of a lot or parcel, including all proposed or dedicated streets, alleys, private access ways, roadway and/or alley easements. Such boundaries extend to the center line of an existing abutting street or alley right-of-way.

Gross Floor Area:

The sum of the areas of all floor levels of a building or structure measured within the exterior face of exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than 6 feet and 6 inches.

Ground Cover:

Living material intended to provide a continuous cover over the ground that can be maintained at a height of not more than 18 inches.

Group Care Home for the Disabled:

A dwelling shared by four or more disabled persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling residents to live as independently as possible in order to reach their maximum potential.

Guesthouse:

A lodging unit for temporary guests in an accessory building without independent cooking or kitchen facilities.

H:

Habitat:

The physical location or type of environment in which an organism or biological population lives or occurs.

Hardscape:

Stone, brick, rock, sand, textured or shaped concrete, decorative walls and/or streetscape or path facilities. For example, benches, tables, play equipment and walking or bike paths.

Harmony:

A quality that represents an attractive arrangement and agreement of parts of a composition, as in architectural elements.

Hazardous Waste:

A solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may: (i) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or (ii) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Health Club:

An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Health Spa:

An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. The term includes establishments designated as “reducing salons,” “exercise gyms,” “health studios,” “health clubs,” and other terms of similar import.

Hearing Examiner:

Hearing examiners include professionally trained or licensed staff planners, engineers, or architects that may be appointed to hear applications for subdivision, conditional use and variance permits and requests for zoning district boundary changes that are in accordance with a comprehensive plan.



Heavy Equipment:

Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

Hedge:

See **Fence, Living**.

Height, Story:

The vertical distance from top to top of two successive tiers of beams or finished floor surface; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Highway:

A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.

Highway Capacity:

The maximum number of vehicles that can be expected to travel over a given section of road or a specific travel lane during a given time period under prevailing roadway conditions and prevailing traffic patterns and conditions.

Hillside Disturbance:

Any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

Historic Quality:

Legacies of the past that are distinctly associated with physical elements of the landscape, whether natural or human-made, that are of such historic significance that they educate the viewer and stir appreciation of the past.

Holiday Decoration Sign:

Temporary signs, in nature of decorations, clearly incidental to and customarily associated with any national, local or religious holiday.

Home Occupation:

Any gainful occupation engaged in by an occupant of a dwelling unit including but not limited to handicrafts, dressmaking, millinery, laundering, preserving, printing and or graphic arts or desktop publication, offices, teaching of classes, and other like occupations. The work quarters

should be invisible from the frontage, located either within the house or in an outbuilding.

Hospital:

An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients 24 hours a day. The term "hospital" does not include clinic, convalescent, or boarding homes, or any institution operating solely for the treatment of mentally ill persons, drug addicts, alcohol addicts or institutions necessitating forcible confinement of patients.

Hotel:

A building containing six or more bedrooms where overnight lodging without individual cooking facilities is offered to the public for compensation, primarily for the accommodation of transient guests.

Hotel, Residential:

A private establishment that provides sleeping rooms for rent by the night, week, or month, which may include limited cooking facilities.

Household Pet:

Companion animals that are typically and customarily kept for company or pleasure in the house or yard.

Household Waste:

Any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, picnic grounds and day-use recreation areas.

Human Scale:

How humans perceive the size of their surroundings and their comfort with the elements of the natural and built environment relative to their own size. In urban areas, Human Scale represents features and characteristics of buildings or signs that can be observed and reached within a short distance and at the speed of a pedestrian walking. In contrast, auto scale represents a built environment where buildings, signs, etc. are designed to be observed and reached at the speed of an automobile.

Hydrology:

The science of dealing with the properties, distribution, and circulation of water.

I:

ITE Trip Generation:

The current edition of Trip Generation, an informational report of the Institute of Transportation Engineers.

Impervious Surface:

A human-made structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, and patios.

Impervious Surface Ratio:

The ratio of impervious surfaces on a site to gross acreage.

Improved Open Space:

Landscaped areas, turf areas, parks, recreation areas constructed on a parcel.

Improvement Guarantee:

An instrument such as a letter of credit or performance bond readily convertible to cash for specific face value from a bank or other institution that pledges the creditor to pay the cost of improvements in case of default by a developer.

Improvements:

All public and quasi-public utilities and facilities including streets, sanitary sewers, waterlines, stormwater management and erosion control facilities, monuments, signs, sidewalks, streetlights, and all other similar features.

Indirect Light:

Direct light that has been reflected or has scattered off other surfaces.

Industrial Use:

Land use relating to, concerning or arising in connection, assembly, fabrication, finishing, manufacturing, packaging or processing of goods or mineral extraction.

Infill Development:

The development of small, scattered vacant sites which are surrounded or essentially surrounded by existing development and which because of location, configuration, access requirements, adjacent development patterns, or similar characteristics, may necessitate special consideration during the development process.

Inside Turning Radius:

The curved edge of a road at an intersection measured at the inside edge of the vehicular tracking. The smaller the Turning Radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.

Institutional Uses:

Churches, schools, hospitals, residential care facilities and other public or quasi-public uses.

Intensity:

The number of square feet of development per acre by land use type with respect to non-residential land uses.

Intermodal:

Refers to the connections between transportation modes.

Internal Trips:

Trips that are made within a defined area by vehicle or by an alternate mode of travel such as walking or bicycle.

Inundation Zone (below a dam):

The area that would be inundated in the event of a dam failure.

Invasive Species:

A non-native species that can cause environmental or economic harm, or harm to public health.

J:

Junkyard:

An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk or for the maintenance of operation of an automobile graveyard.

Jurisdictional Wetland Determination:

A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Federal Clean Water Act, 33 U.S.C. §1344, as amended.

K:

Kennel, Commercial:

Any lot or premises or portion thereof, on which five or more dogs, cats and other household domestic animals are maintained, harbored, possessed, boarded, bred or cared for in return for compensation or kept for sale.

Kennel, Non-commercial:

Any lot or premises or portion thereof on which more than four dogs or cats or a combination of such animals are maintained, harbored, possessed, bred or cared for and are not for sale or compensation.

Kiosk:

A temporary or semi-permanent structure having one or more open air sides, operating on either private property or public rights-of-way and plazas, generally no larger than six feet wide by 10 feet long. Operated for the purpose of vending food, drink, or retail goods.

L:

Laboratory:

A building or group of buildings in which facilities for medical or scientific research, investigation, testing or experimentation are located.

Land Disturbing Activity:

Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure.

Land Surveyor or Surveyor:

An individual certified and licensed by the State of Idaho to engage in the practice of land surveying.

Landscape:

Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and which may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains. Landscape shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

Landscape Architect:

See: **Architect, Landscape**

Landscape Plan:

A graphic and written document containing criteria, specifications and detailed plans to arrange and modify the effects of natural features. A landscape plan typically consists of a site plan showing the boundaries of the property and the location of proposed plant materials, in relation to surroundings and improvements, along with a planting schedule.

Landslide:

Abrupt downslope movement of a mass of soil or rock.

Lane:

A road designed for primary access to no more than 25 residential dwelling units, where the residential environment is dominant and traffic is completely subservient.

Legislative Action:

A specific plan, zoning ordinance, or any other ordinance establishing or amending a comprehensive plan or a zoning code or ordinance.

Library or Museum:

A room or building for exhibiting, or an institution in charge of a collection of books; artistic, historical or scientific objects.

Light Trespass:

The shining of light produced by a luminaire beyond the boundaries of the property on the luminaire is located.

Lighting, Direct:

Lighting, the source of which is visible to a viewer.

Lighting, Flood-lit:

Lighting which is reflected from the surface of a sign or building.

Lighting, Indirect:

Illumination that is arranged so that the light is reflected from the sign to the eyes of the viewer.

Linear Pedestrian Shed:

A pedestrian shed that is elongated along a commercial corridor. The resulting pedestrian shed is shaped like a lozenge.

Liner Building:

A building specifically designed to mask a parking lot or a parking garage from a frontage.

Live-work:

A dwelling unit that contains a commercial component anywhere in the unit that is less than 500 sq. ft. in size. See also: **Work-live**.

Loading Space, Off-street:

A open off-street hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles to avoid undue interference with streets and alleys.

Lodging:

A facility that offers temporary shelter accommodations, or place for such shelter, open to the public for a fee, including, but not limited to inns, hotels, motels, and motor hotels. Bed and breakfast inns are not considered to be lodging services. See also: **Hotel**.

Long Pedestrian Shed:

A pedestrian shed of ½-mile radius used for mapping community types when a transit stop is present or proposed as the common destination.

Long-term Care Facility:

A facility that is intended to provide medical supervision for eight or more residents for periods of time exceeding 72 hours. The term "long-term care facility" also includes any facility outside of the service recipients home in which two or more unrelated persons receive long-term care services.

Lot:

A portion of a recorded subdivision intended as a unit for transfer of ownership or for development.

Lot Area:

The total area of a lot as defined by the closure of the rear, side and front lot lines.

Lot, Corner:

A lot which is bounded on two or more sides by street lines where the angle of intersection does not exceed 135°.

Lot Depth:

The distance between front and rear lot lines measured in the mean direction of the side lot lines.

Lot, Double Fronted:

A lot other than a corner lot having frontage on two parallel or approximately parallel streets. On a double fronted lot both street lines shall be deemed front lot lines.

Lot, Flag:

A lot which does not abut a public street other than by its driveway or other, typically narrow, strip of land.

Lot Frontage:

See: **Frontage**.

Lot, Interior:

A lot other than a corner lot.

Lot Line:

The boundary that legally and geometrically demarcates a lot.

Lot Line, Front:

The front lot line that abuts a public or private street. Also known as the "frontage line."

Lot Line, Interior:

Any lot line other than one adjoining a road or public space.

Lot Line, Rear:

The boundary line of a lot that is opposite and most distant from the front lot line.

Lot of Record:

Any lot created by recordation of a plat in the real property records of Ada County, Idaho.

Lot, Through:

See: **Frontage, Double**

Lot Width:

The length of the principal frontage line.

Luminaire:

Broadly, all outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices permanently installed or portable, used for illumination or advertisement.

M:

Maintenance:

The replacing or repairing of minor parts of a building or structure that have degraded by ordinary wear or tear or by the weather.

Manufacturing:

Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials.

Marquee:

Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Massing:

The shape and form of a building provided by all, or a combination of, architectural elements such as roof configuration, spacing between buildings, setbacks from the street right-of-way, proportion of fenestration and entryways, building form, exterior building materials, building scale, architectural styles, and landscape.

Material Change in Appearance:

A material change in the appearance of a building, structure, land use activity or development site may include, without limitation: the construction of a new building or structure; the reconstruction or alteration of the size, shape, or façade of an existing building or structure, including any of its architectural elements or details; commencement of excavation for construction purposes; and installation of freestanding walls, fences, steps, and pavements, or other appurtenant features.

Median:

The portion of a road that separates opposing traffic lanes.

Median, Raised:

A non-traversable median where curbs are used to elevate the surface of the median above the surface of the adjacent travel lanes. Pedestrians may normally cross a raised median but vehicles may not.

Mezzanine:

An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not

more than one-third of the area of the room in which the level or levels are located.

Mixed-use:

Multiple functions with the same building through adjacency, or in multiple buildings within the same area by adjacency.

Mobility:

The movement of people or goods within the transportation system.

Model Home:

A dwelling unit temporarily used as a sales office for a residential development under construction.

Modulation:

Design composition comprised of a rhythmic organization of parts.

Monitoring:

All procedures used to systematically inspect and collect data on operational parameters of a facility or use or on the quality of the air, groundwater, surface water or soils.

Monopole:

A wireless communication facility which consists of a monopolar structure, erected on the ground to support wireless communication facilities and connecting appurtenances.

Motel:

A building, or group of buildings on the same lot or parcel whether detached or attached, containing sleeping or dwelling units independently accessible from the outside, with garage space or parking space located on the lot or parcel and designed for, or occupied by, travelers. The term includes, without limitation, any buildings or building groups designated as auto courts, motor lodges, tourist courts or by any other title or sign intended to identify them as providing lodging to motorists.

Motor Home:

A vehicular-designed unit built on, or permanently attached to, a self-propelled vehicle chassis, van or chassis cab, which is an integral part of the complete vehicle, to provide temporary living quarters for recreational, camping or travel use.

Motor Vehicle:

See: **Vehicle**.

Mulch:

A protective covering placed around plants to prevent the evaporation of moisture, the freezing of roots and the growth of weeds.

Multi-family Dwelling:

See: **Dwelling, Multi-family.**

Multi-modal:

Refers to the availability of transportation options within a corridor whether it be walking, bicycling, driving and/or transit.

Museum:

See: **Library or Museum.**

N:

Natural Features or Conditions:

Components and processes present or produced by nature, including, without limitation: soil types; geology; slopes; vegetation; surface water; drainage patterns; aquifers; climate; floodplains; aquatic life; and wildlife and/or conditions that would develop on a specific tract of land if all human interference were to be removed.

Natural Resource:

Existing natural elements relating to land, water, air, plant and animal life, including, without limitation, to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

Neighborhood:

A built environment planned for primarily residential development, including blocks, streets, squares and parks. A neighborhood shall be based upon a partial or entire pedestrian shed.

New Urbanism:

A multi-disciplinary development approach that is dedicated to configuring neighborhoods and diverse districts, conserving the natural environment and preserving the history and the community's built legacy. The new urbanist vision is to transform sprawl and establish compact, walkable, sustainable neighborhoods, streets, and destinations that are unique places of lasting value. Sometimes referred to as "Smart Growth."

Node:

An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.

Noise:

Any sound that annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans.

Non-accessory Off-premise Sign:

A sign which is not related to the property upon which it is located, or to the activity being conducted thereon.

Non-buildable Area:

Lands with a slope greater than 25% are non-buildable areas and do not qualify as a development pocket, nor are they eligible to be calculated as open space for establishing a density bonus, unless classified as priority open space.

Non-conforming:

A use, lot, building, structure and/or development that existed prior to the adoption of an applicable law, code and/or regulation that does not presently conform to applicable laws, regulations or codes.

Non-point Source:

Generalized discharge of waste which cannot be located as to a specific source into a water body.

Non-restrictive Median:

A median or painted centerline that does not provide a physical barrier between travel lanes in opposite directions or turning left, including continuous center turn lanes and undivided roads.

Nuisance:

An activity which unreasonably interferes with an individual's or the public's comfort, convenience or enjoyment such that it interferes with the rights of others by causing damage, annoyance, or inconvenience.

O:

Off-site:

Outside the limits of the lot or parcel on which an activity is conducted.

Off-street Parking Space:

The space required to park one vehicle, exclusive of access drives, not on a public right-of-way.

Office:

The facilities in which the administrative activities, record keeping, clerical work and other similar affairs of a business, profession, service, industry or government are conducted and, in the case of professions such as dentists, physicians, lawyers or engineers, the facilities where such professional services are rendered. Office use excludes retail, artisanal and/or manufacturing uses.

Office Building:

A building that is used primarily for conducting business within offices.

Office Park:

A comprehensively planned and unified office-oriented development containing at least two separate buildings and protected by covenants and restrictions designed to control such as architectural design, building façades, landscape, screening and buffering and environmental protection. Office parks typically have a mixture of office, service, professional, and commercial activities and are designed to incorporate aesthetic and service amenities for the employees and patrons of the establishments located within the park.

On-site:

Within the limits of the lot or parcel on which the activity is conducted.

Open-air Business:

Any commercial establishment with the principal use of displaying products in an area exposed to open air on three or more sides, including, without limitation, rock yards, nurseries and garden supply stores, and lumber and building materials yards.

Open Space:

Land and water areas used for active and passive recreation, resource protection, as an amenity and/or bufferyard.

Orientation:

The placement of a sign in accordance with its principal visibility from a particular location.

Original Elevation:

See **Grade, Existing**.

Outbuilding:

An accessory building, usually located towards the rear of the same lot as a principal building. It is sometimes connected to the principal building by a backbuilding.

Outdoor Storage:

The storage of, without limitation, equipment, materials or supplies in an outdoor area accessory to a principal use.

Owner:

The owner or owners of the freehold estate of a lot or parcel or lesser estate therein.

Owners' Association:

An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development.

P:

Parapet:

A low retaining wall at the edge of or along a roof.

Parcel:

A tract or portion of land other than a platted lot. Sometimes called section land, parcels are generally described by a metes and bounds legal description or references to quadrangular survey measurements utilizing sections, townships and ranges or government lots.

Park:

A public or private area of land, with or without buildings, intended for outdoor active and/or passive recreational uses.

Park and Ride Facilities:

Parking lots or structures located along transit routes designed to encourage transfer from private automobile to public transit or to encourage car pooling for purposes of commuting.

Parking, Commercial:

The principal use of a lot or parcel as a parking lot or parking garage.

Parking Garage:

An attached or detached structure which is intended for the parking of vehicles and is available for use by the general public for free or for a fee.

Parking Lot:

An area not within a structure where vehicles may be parked for the purpose of temporary, daily or overnight off-street parking.

Parking, Off-street:

Space provided for vehicular parking off the dedicated road right-of-way, and including any area necessary for ingress or egress.

Parking Space:

Usable space within a public or private parking lot or parking garage, exclusive of access drives, aisles or ramps for one vehicle.

Parkway:

A multi-lane access road that does not provide access to abutting properties. Travel lanes of different directions are separated by a raised center median. Pedestrian

and bicycle access is provided via a multi-use trail or path separated from the travel lanes.

Pass-by Trips:

Vehicle trips that are made by traffic already using the adjacent roadway system and entering a site on the way to another destination.

Passage:

A pedestrian connector passing between buildings, providing shortcuts through long blocks and connecting rear parking areas to frontages.

Path:

Any sidewalk, route, lane, path, corridor, open space or trail designated to move people by non-motorized means for transportation or recreation.

Path, Bicycle (Bike Path):

A hard surfaced path for bicycles. A bicycle path is separated from motorized vehicular traffic and located either within the road right-of-way or within an independent right-of-way.

Path, Micro:

A pathway providing access by way of a short travel link between points of destination. The length of a micro-pathway is generally less than 250 feet, or two lot depths.

Path, Multi-use:

A path that may be paved or unpaved does not permit motorized vehicles (except for publicly authorized emergency and service vehicles) and which may accommodate multiple non-motorized uses, including, without limitation, bicyclists, pedestrians, wheelchair users, joggers and pet owners.

Path, Pedestrian:

A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may, in addition to providing pedestrian access, be used for the installation of utilities.

Pavement Markings:

Painted or applied lines or legends placed on a roadway surface for regulating, guiding or warning traffic.

Pavement Width:

The width of a given travel lane, measured from back-of-curb to back-of-curb, or to the edge of pavement where

no curbs are required or exist.

Peak Period (Also Peak Hour):

The period or hour in which the heaviest traffic volume occurs on a road.

Pedestrian-oriented Development:

Development designed with an emphasis primarily on the streetscape design and on pedestrian access to a site and building, rather than auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the streetscape. Design qualities make walking attractive and include attractive places and desirable connectors on which to get there.

Pedestrian Shed:

An area centered on a common destination. A pedestrian shed is applied to determine the approximate size of a neighborhood. A standard pedestrian shed has a ¼-mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. The outline of the pedestrian shed must be refined according to actual site conditions, particularly along roads. A long pedestrian shed is ½-mile radius or 2640 feet, and may be used for mapping when transit is present or proposed.

Pedestrian Zone:

The walking area of the streetscape that remains clear, both horizontally and vertically, for the movement of pedestrians.

Penthouse:

An enclosed structure above the roof of a building, other than a roof structure or bulkhead.

Performance Guarantee or Performance Surety:

A financial guarantee to ensure that improvements, facilities, or work required will be completed in compliance with specifications of a development.

Perimeter Landscaping:

The use of landscape materials adjacent to the outer boundary of a lot or parcel or the outer boundary of the developed area of a lot or parcel.

Person:

Includes, without limitation, a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals.



Personal Service Establishment:

A facility engaged in the provision of services to persons and their apparel, including, without limitation, barber and beauty shops, coin-operated and full service laundries and dry cleaners, photographic studios, shoe repair and shoeshine shops, dance studios, schools and halls, and travel agencies.

Petroleum Products:

Petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil.

Phased Subdivision Application:

An application for subdivision or site plan approval in which the applicant proposes to immediately subdivide or develop the property but will develop in one or more individual phase(s) over a period of time.

Physically Disabled Person:

An individual who has a physical impairment, including impaired sensory, manual or speaking abilities, that results in a functional limitation in gaining access to and using a building or facility.

Pilings:

Foundational structures placed into the earth to secure buildings and other structures.

Place of Worship:

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith. The term "place of worship" is not to be construed in any way to include private residences within which religiously related gatherings are conducted.

Placemaking:

A holistic and community-based approach to the development and revitalization of cities and neighborhoods. Placemaking creates unique places with lasting value that are compact, mixed-use and pedestrian- and transit-oriented and have a strong civic character.

Planning Commission:

See: **Commission.**

Planning Director:

The Director of the Planning and Development Services Department of Boise City.

Planting Area or Planter:

The area within which vegetation is installed which provides a sufficient bed to maintain and ensure the survival of trees and other vegetation. The element of the streetscape that accommodates street trees.

Planting Strip:

That portion of a street cross-section that accommodates street trees, shrubs and/or ground cover.

Plat:

The drawing, map or plan of a subdivision, cemetery, townsite or other tract of land, or a replatting of such, including certifications, descriptions and approvals.

Plat, Final:

A plat of a subdivision, dedication or any portion thereof prepared in substantial conformance with the approved preliminary plat. A final plat, upon its being filed and recorded in the appropriate public records, shall thereafter be known as an authorized plat, subdivision or dedication.

Plat, Preliminary:

A plat of a proposed subdivision of land showing required features that is submitted to the platting authority for purposes of preliminary consideration.

Plaza:

An open space, available for unstructured recreation and civic purposes, defined by building frontages and landscaping more formally disposed.

Plot Plan:

A "to scale" drawing of a lot or lots showing the actual measurements, the size and location of any existing building(s) or building(s) to be erected, the location of the lot in relation to abutting streets, use and development of the land and other such information. "Site plan" is a term often used interchangeably with plot plan.

Pollutant:

Any substance which causes or contributes to, or may cause or contribute to, environmental degradation when discharged into the environment.

Porch and Fence:

See: **Frontage Types**

Portable Sign:

See: **Sign, Portable.**

Portico:

An exterior appendage to a building, normally at the entry, usually roofed.

Principal Building:

See: **Building, Principal:**

Principal Use:

The primary or main use of the land, building or structure, as distinguished from a secondary or accessory use.

Private Outdoor Space:

An open area for passive or active recreation developed, designated, and protected for the benefit and private use of the residents of a private lot, parcel, apartment, or condominium unit. The private open space must be adjacent to the residence. For single-family homes, the area must be on the ground and may be in the required yards, with a minimum dimension of 15 feet x 15 feet, unless otherwise stated in the Block Prototypes. For town homes and 2-8 multi-family dwellings, the private open space may be in a yard, on a covered porch, on a deck, upper deck, or roof deck with a minimum size of 50sf and a minimum dimension of 6 feet, unless otherwise stated in the Block Prototypes.

Private:

Anything not owned or operated by any government or any political subdivision.

Private School:

See: **School.**

Private Use:

One which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

Professional Engineer:

See: **Engineer.**

Professional Surveyor:

See: **Land Surveyor.**

Projected Traffic:

The number of vehicles, normally expressed as average daily traffic (ADT), forecast to travel over a segment of the street system.

Property Line:

See: **Lot Line.**

Property Owners Association:

See: **Owner's Association.**

Proportion:

Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

Public:

Anything owned or operated by any government or any political subdivision.

Public Notice:

Notice to the public of a hearing, meeting or decision as required by state and/or local law.

Public Schools:

See: **School.**

Public Use:

Any building, structure, or use owned and/or operated by the Federal government, State of Idaho, County, City, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as, without limitation: government administrative buildings, post offices, police and fire stations, libraries, public health facilities, parks and community centers and public roads and streets.

R:

Rear Lane:

A vehicular driveway located to the rear of lots providing access to parking and outbuildings and containing utility easements.

Rear Setback:

See **Setback, Rear**.

Rear Yard:

See: **Yard, Rear**.

Record Drawing:

A reproducible document conforming to the marked-up prints, drawings, and other data created after the construction process is complete showing the purported location of work elements and significant changes made during the construction process. Record drawings are based on unverified information provided by parties who are generally assumed reliable. Record drawings are sometimes referred to as “as-built” drawings.

Recorded/Record:

Document(s) being placed in the real property records of Ada County, Idaho.

Recreation Area:

A classification of land areas specifically providing for opportunities for passive and active recreational activities for residents of a development. Recreation areas are set aside and reserved for the common use of the residents of a development. Such areas may include, but are not limited to, tennis courts, swimming pools, athletic fields, picnic areas, paths and similar facilities.

Recreational Vehicle:

A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Refuge Island:

A non-traversable section of median or channelization device on which pedestrians can take refuge while crossing a highway, street or road.

Religious Assembly:

See: **Place of Worship**.

Repair:

The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

Residential Use:

Includes, without limitation, single- and multi-family dwelling units, townhouses, condominiums.

Resort:

A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort is self-contained and provides personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort complement the scenic qualities of the location in which the resort is situated.

Restaurant:

Any place where food is prepared for service to the public on-site or off-site, or any place where food is served. Examples of such places include, without limitation, coffee shops, cafes, taverns, delicatessens and dining accommodations of public or private clubs.

Restaurant, Drive-in:

An establishment that delivers prepared food and beverages to customers in vehicles, regardless of whether the restaurant also serves prepared food and beverages to customers who are not in vehicles, for consumption primarily off the premises.

Restrictive Median:

See **Median, Raised**.

Resubdivision:

The changing of an existing parcel, street, lot or easement line in any recorded subdivision.

Retail Activities or Retail Uses:

Includes sales of merchandise at retail prices, personal and business services, restaurants, galleries, and similar uses.

Retail Establishment:

A building, property, activity or use, the principal purpose of which is the sale of goods, products or materials directly to the consumer for use by the consumer.

Retaining Wall:

A human-made barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

Retention Pond:

A natural or human-made structure that provides for the storage of stormwater runoff by means of a permanent pool of water. See also: **Detention Pond**.

Revegetation:

The replacement of trees and landscape plant materials.

Review Analyst:

The Subdivision Review Analyst of the City.

Rezoning:

A change in the wording, context or substance of a zoning ordinance or zoning map.

Ridge:

The peak of a roof. Also, the horizontal member at the peak into which the rafters join.

Rights-of-Way:

Improved or unimproved public property owned by, dedicated to, or deeded to the public for the purpose of providing vehicular, pedestrian and other public use. Such public property provides circulation and travel to abutting properties and includes, without limitation, streets, sidewalks, landscape, public utilities and open public space.

River:

That portion of the Boise River that runs through Harris Ranch.

Roof:

The outside top covering of a building or structure.

Roof, Flat:

A roof which is not pitched and the surface of which is parallel to the ground.

Roof, Gable:

A ridged roof forming a gable at both ends of the building or structure.

Roof, Gambrel:

A ridged roof with two or more slopes on each of two

sides and forming a gable at both ends of the building or structure.

Roof, Hip:

A roof with sloping ends and sides.

Roof Line:

The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

Roof, Mansard:

A roof with two slopes on each of four sides, the lower slope being steeper than the upper slope.

Roof, Pitched:

A shed, gabled, or hipped roof having a slope or pitch of at least two feet rise for each 12 feet of horizontal distance.

Roof, Shed:

A roof with one slope.

Rowhouse:

See: **Dwelling, Townhouse**.

S:

Sanitary Restriction:

The requirement that no building or shelter which will require a water supply facility or a sewage disposal facility for people using the premises where such building or shelter is located shall be erected until written approval is first obtained from Central District Health and the City approving plans and specifications either for public water and/or sewage facilities.

Scenic Resources:

Features which characterize an area by giving it a special visual identity or which present unique vistas or landscapes, including but not limited to such features as rivers, highways or parkways and scenic values.

School:

An institution of learning for minors, whether public or private which offers instruction in those courses of study required by the State Board of Education to a group of children. This definition includes nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of learning, but it does not include a vocational or professional institution or any institution of higher education, including a college or university.

School, Business or Trade:

An institution or facility, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty.

School, Trade Or Vocational:

An institution or facility conducting instruction in the technical or trade skills such as business, secretarial training, medical-dental technician training, beauticians, barbers, electronics, and automotive technician training.

Screening:

The method by which a view of one site from an adjacent right-of-way or another adjacent site, or the impact of noise, is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Self-service Storage:

A building or group of buildings or portions thereof which are designed or used exclusively for storage of excess

property of an individual, family or business. buildings are divided into individually accessed units. This shall not be deemed to include the day-to-day operations of businesses of any kind.

Service Drive:

A privately owned and maintained drive that provides access to parking lots and spaces, loading spaces, drive-up windows or other areas that require access.

Service Station:

See: **Gasoline Service Station.**

Setback:

The space on a lot or parcel required to be left open and unoccupied by buildings or structures, either by regulations or by delineation on a recorded subdivision plat.

Setback, Front:

The minimum distance any building or structure must be separated from the front lot line, back of curb, back of sidewalk or edge of pavement.

Setback, Rear:

The minimum distance any building or structure must be separated from the rear lot line.

Setback, Side:

The minimum distance any building or structure must be separated from the side lot line.

Shade Tree:

A tree in a public place, street right-of-way, or special easement, planted to provide canopy that will obscure the sun and heat from the ground.

Shopping Center:

A group of related retail establishments which are planned, developed, owned, and managed as a single operating unit, including any mall or covered mall. The establishments contained within the shopping center unit are related to each other and the market area served in terms of size, type, location, and market orientation. On-site parking is provided in direct relationship to the characteristics of the establishments contained within the center. The term "shopping center" also includes a building or buildings containing two or more stores that are used primarily for retail sales but may include commercial trade or professional uses.

Shrub:

A relatively low-growing woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; a shrub may be deciduous or evergreen.

Side Setback:

See: **Setback, Side.**

Side Yard:

See: **Yard, Side.**

Sidewalk:

The walking portion of the pedestrian zone, paved or otherwise surfaced, intended to be exclusively for pedestrian activity.

Sideyard Building:

See: **Building, Sideyard.**

Sight Triangle:

See: **Clear Vision Triangle.**

Sign:

Any display or device consisting of attached or painted letters, symbols or designs, and including any moving parts, lighting, sound equipment, framework, background material or structural support, which display or device is intended to communicate business identification, an advertisement, announcement, direction or other message or attract, distract, hold, direct or focus attention.

Sign Area:

Includes the entire face of the sign, frame and art work and shall include any spacing between letters, figures and designs but shall not include the bracing or structure of the sign.

Sign, Banner:

Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business are not considered banners.

Sign, Canopy:

Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.

Sign, Construction:

Any sign which warns persons of construction or demolition for a project or which describes the project and indicates the builder, architect or others involved in the project.

Sign, Copy:

Any combination of letters or numbers which is intended to inform, direct or otherwise transmit information.

Sign, Copy Area:

The area of the sign occupied by copy. It is computed by measuring the area enclosed by straight lines drawn to enclose the extremities of the letters or numbers.

Sign, Directional:

A sign which foremost contains words such as "entrance," "enter," "exit," "in," "out," or other similar words or a sign containing arrows or characters indicating traffic directions and used either in conjunction with such words or separately.

Sign, Freestanding:

Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign Height:

The vertical distance measured from the adjacent street grade or upper surface of the curb, whichever permits the greatest height, to the highest point of said sign, including ornamental features.

Sign, Identification:

A sign that refers only to the principal use of the lot or parcel upon which the sign is located.

Sign, Illuminated:

A sign which uses a source of illumination.

Sign, Maintenance:

Replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear, or damage beyond the control of the owner.

Sign, Marquee:

A sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

Sign, Portable:

A sign, usually of a temporary nature, not securely

anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

Sign, Projecting:

Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Sign Structure:

Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

Sign, Suspended:

A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, Temporary:

A sign constructed of cloth, fabric or other lightweight temporary material with or without a structural frame intended for a limited period of display; including decoration displays for holidays or public demonstrations.

Sign, Wall:

Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Sign, Window:

Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Single-family Dwelling:

See: **Dwelling, Single-family Attached; Dwelling, Single-family Detached.**

Site:

See: **Lot or Parcel.**

Site plan:

A drawing showing the general layout of a proposed development which may include, without limitation, the location of buildings, parking areas, buffers and landscape, drainage, floodplains, open space, walkways, means of ingress and egress, utility services, signs, lighting and

screening devices, the boundaries of the site, and any other information that reasonably may be required.

Slope:

A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

Smart Growth:

Land use development practices that create more resource efficient and livable communities with accessible land use patterns. It is an alternative to sprawl development patterns.

Sound Level:

The intensity of sound, measured in decibels, produced by an operation or use.

Specific Plan:

A document encompassing a specific geographic area that is prepared for the purpose of specifically implementing the Comprehensive Plan by: (i) applying the policies of the Comprehensive Plan to the specific geographic area; and (ii) containing specific regulations applicable to the focused development scheme.

Square:

An open space available for civic purposes and commercial activities, defined by building frontages and landscaping more formally disposed.

Stable, Private:

An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

Staff:

The staff of the City of Boise Planning & Development Services Department.

Stakeholders:

Groups or individuals that have an interest (stake) in the outcome of the planning or project development process. Typical stakeholders include elected officials, appointed commissioners, metropolitan planning organizations, state and local departments of transportation, transit authorities, utility companies, business interests, neighborhood associations and the general public.

Stone Masonry, Rubble:

Stone masonry composed of irregular-shaped units bonded by mortar.

Stoop:

See: **Frontage Types.**

Stormwater:

Collectively, stormwater run-off, snow melt run-off, and surface run-off and drainage.

Story:

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than 6 feet above grade, such basement or cellar shall be considered a story.

Stream:

A watercourse or body of running water flowing continually or intermittently in a channel on the surface of the ground or in a cavern below the surface.

Street:

The public or private right-of-way or private property and related improvements which provides vehicular and pedestrian access to adjacent properties. The term "street" includes also the terms highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, place and other such terms.

Street, Boulevard:

A street divided by a landscaped, raised center island. Travel lanes of different directions are often separated by a raised center median.

Street Frontage:

See: **Frontage.**

Street Furniture:

Those features associated with the furnishings zone of the streetscape that are intended to enhance the streetscape's physical character and use by pedestrians, such as benches, trash receptacles, planting containers, pedestrian lighting and kiosks.

Street Hardware:

Objects other than buildings or street furniture that are part of the streetscape. Examples are: non-street light fixtures, utility poles, traffic lights and their fixtures and fire hydrants.

Street, Through:

A street which provides access between two other streets.

Street Tree:

A tree selected for its large canopy at maturity.

Streetscape:

The portion of the right-of-way that typically includes the planting area and sidewalk, from the back of the curb to the front property line of adjoining parcels. The streetscape is further divided into a series of zones that emphasize different functions including the pedestrian and furnishing zones.

Streetscreen:

A freestanding wall, fence or hedge built along the frontage line, or co-planar with the façade, often for the purpose of masking a parking lot from the road. Streetscreens have openings no larger than necessary to allow automobile and pedestrian access.

Structure:

Anything constructed or erected, which requires permanent location on the ground or is attached to something having location on the ground. "Buildings" are "structures" that may be occupied. "Structures," unless they are "buildings," may not be occupied.

Structure, Temporary:

A moveable structure not designed for human occupancy or for the protection of goods or chattel.

Subdivide:

The division of a lot, tract, or parcel of land into two or more lots, parcels or other divisions of land for the purpose of transfer of ownership.

Subdivider:

Any person who undertakes the subdivision of land and any person having such a proprietary interest in land to be subdivided as will authorize an application to subdivide such land, or the authorized agent of such person.

Subdivision:

The division of a lot, tract or parcel of land into two or more lots for the purpose of sale, or building development, whether immediate or future, including dedication of streets. The term "subdivision" does not apply to a property line adjustment that establishes buildable parcels with boundaries which differ from existing buildable parcel and/or buildable lot boundaries; and the division of land into

parcels of five acres or more which are not zoned for or intended to be used for residential development purposes when the dedication of public streets or construction of private streets is not required.

Substantial Damage:

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged-condition would equal or exceed 50% of the assessed value of the structure before the damage occurred.

Substantial Modification:

Alterations to a building that are valued at more than 50% of the replacement cost of the entire building.

Superstore:

See: **Big Box Retail.**

Surface, Impervious:

See: **Impervious Surface.**

Swale:

A depression within which stormwater may drain during inclement weather but which does not have a defined bed or banks.

Swimming Pool:

A recreational facility designed and intended for water contact activities. If private, the pool serves a single-family dwelling(s), duplex dwellings, or multi-family dwellings or combinations thereof, including pools owned or controlled by a neighborhood club or similar organization. If public, the pool is open to the general public for a fee or admission charge.

T:

Telecommunications Facility:

A real property entity consisting of one or more of the following: a building, a structure, a utility system, pavement, and underlying land.

Temporary Sign:

See: **Sign, Temporary.**

Temporary Use or Structure:

See: **Use, Temporary.**

Terminated Vista:

A location at the axial conclusion of a road.

Terrace or Light Court:

See: **Frontage Types**

Theater:

A building used primarily for the presentation of live stage productions, performances or motion pictures.

Thoroughfare:

Major streets (and rights-of-way, including improvements between the pavement edge and the right-of-way line) that fall under the conventional functional classes of arterials and collector streets. Thoroughfares are multi-modal in nature and are designed to integrate with and serve the functions of the adjacent land uses.

Through Street:

See: **Street, Through.**

Townhouse:

An attached single-family dwelling unit located on a platted lot and for which the individual owner may acquire title to the unit and lot. See: **Dwelling, Townhouse; Building, Rearyard.**

Tract:

A generic term that does not denote a specific conditions such as lot (which is platted) or parcel (which is unplatted). Used when speaking of both platted and unplatted lands.

Traditional Neighborhood Development (TND):

A community type based upon a standard pedestrian shed oriented toward a common destination consisting of a mixed-use center or corridor. See: **Village.**

Traditional Urban Environments:

Places with development pattern, intensity and design characteristics that combine to make frequent walking and transit use attractive and efficient choices, as well as provide for automobiles and convenient and accessible parking. Traditional urban environments typically have mixed land uses in close proximity to one another, building entries that front directly on the street, building, landscape, and thoroughfare design that is human scale, relatively compact development, a highly-connected, multi-modal circulation network, usually with a fine "grain" created by relatively small blocks, thoroughfares and other public spaces that contribute to "placemaking" (the creation of unique locations that are compact, mixed-use, and pedestrian and transit oriented, that have a strong civil character and with lasting economic value) .

Trail:

See: **Path.**

Transect:

A continuum of contexts ranging from the natural and agricultural (parks, open space, farmland) to varying intensities of urbanism (from suburban to urban core).

Transition Line:

A horizontal line spanning the full width of a façade, expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

Trip Generation:

The number of trips entering plus the total number of trips exiting a site over a designated period of time caused, attracted, produced and otherwise generated by a specific land use, activity or development.

Triplex Dwelling:

See: **Dwelling, Townhouse.**

Trout streams:

All streams or portions of streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown, or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.

U:

Use:

The purpose and activity for which a building, structure, lot or parcel is occupied, arranged, designed or intended, or for which building, structure, land or parcel is or may be occupied or maintained.

Use, Seasonal:

Any temporary use where products are sold in connection with a holiday season or the growing season. Examples of these uses shall include, without limitation: produce stands, fireworks stands, pumpkin lots, and Christmas tree lots.

Use, Temporary:

Any activity on a site approved by the planning director for a limited time of operation. Such uses include, without limitation, seasonal or holiday sales of products or placement of temporary structures on a lot incidental to construction occurring on the lot, outdoor display of garden and related supplies, and/or any other uses which the planning director may deem as able to function without permanent permits for a short time as allowed by this code.

Utilities:

Services and facilities provided by public agencies and publicly-regulated private service providers such as electrical and gas service, water (domestic and irrigation), sewage disposal, drainage systems, and solid waste disposal.

V:

Values:

Attributes and characteristics regarded by a community as having ultimate importance, significance, or worth. Values encompass the natural and built environments, social structure, people and institutions. The term often refers to a set of principles, standards, or beliefs concerning the elements of the community that are of ultimate importance.

Variance:

A grant of relief from the strict requirements of a law, regulation or code that permits development or construction in a manner that would otherwise be prohibited by the law, regulation or code.

Vehicle:

Any self-propelled device in, upon, or by which any person or property may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

View Corridor:

The line of sight identified as to height, width, and distance of an observer looking toward an object.

Village:

A village is usually a TND Community Type standing isolated in the countryside, but with a strong center due to its proximity to a transportation corridor. See: **Traditional Neighborhood Development**.

W:

Walkable:

Streets and places designed to provide safe and comfortable facilities for pedestrians that are safe and easy to cross for people of all ages and abilities. Walkable streets and places provide a comfortable, attractive and efficient environment for the pedestrian including an appropriate separation from passing traffic, adequate width of streetscape to accommodate streetscape functions, human-scaled lighting, well-marked crossings, protection from the elements (such as trees for shade, awnings or arcades to block rain), direct connections to destinations in a relatively compact area, attractive places to gather or rest such as plazas and visually interesting elements (such as the Streetscape itself or architecture of adjacent buildings).

Walkway:

See: **Path, Pedestrian**.

Wall, Parapet:

See: **Parapet**.

Wall Sign:

See: **Sign, Wall**.

Warehouse:

Storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers.

Warehousing, Wholesale and Distribution:

An establishment offering wholesaling, storage, and warehousing services within a completely enclosed building, such as wholesale distributors, storage warehouses, and moving and storage companies.

Water-wise:

Knowledgeable site planning, plant selection and irrigation design directed toward reducing water consumption in the landscape.

Watercourse:

Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, including any area adjacent thereto subject to inundation by reason of overflow of floodwater.

Wholesale Sales:

The business of selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, to other wholesalers and to members of such business.

Wireless Communication Facility:

Any unstaffed facility that transmits and/or receives signals by electromagnetic or optical means, including, without limitation, antennas, microwave dishes, satellite dishes or similar structures supporting such equipment.

Wireless Communication Facility, Alternative Design:

Human-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of wireless communication facilities.

Wireless Communication Facility, Attached:

An antenna array that is attached to an existing building or structure with any accompanying pole or device that attaches the antenna array to the existing building or structure, transmission cables, and an equipment facility which may be located either inside or outside of the attachment structure. Such structures shall include, without limitation, utility poles, signs, and water towers.

Work-live:

A mixed-use unit with a substantial commercial component that may accommodate employees and walk-in trade. See also: **Live-work**.

Y:

Yard:

A space on the same lot with a principal building, open unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, Front:

The yard extending across the full width of the lot adjacent to the front street line. For corner lots, either street may be designated as the front. Once chosen, the front yard designation and associated rear and side yards may not be changed. Building design shall match respective yard types.

Yard, Interior Side:

A space extending from the front yard to the rear yard between the principal building and the side lot line, which side lot line does not abut a public or private right-of-way, measured perpendicular from the side lot line to the closest point of the principal building.

Yard, Rear:

An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, Required:

The open space abutting lot lines and extending inward there from, thus defining the buildable portion of a lot. See also: **Setback**.

Yard, Side:

A space extending from the front yard to the rear yard between the principal building and the side lot line, measured perpendicular from the side lot line to the closest point of the principal building.

Yard, Street Side:

A space extending from the front yard to the rear yard between the principal building and the side lot line, which side lot line abuts a public or private right-of-way, measured perpendicular from the side lot line to the closest point of the principal building.

Yard Waste:

Decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings.

Z:

Zero Lot Line Development:

The location of a building on a lot in such a manner that one or more building sides have no (zero) side or rear building setback (or yard requirements) and rests directly on a side or rear lot line. A zero lot line development is one where houses in the development on a common street frontage are shifted to one side of their lots.

Zoning Certificate:

A notation attached to a building permit, occupancy permit or business license, or issued separately by the City to certify that the building, structure, use, or occupancy specified is in compliance with relevant zoning regulations and approvals.

TABLE OF ABBREVIATIONS

AASHTO	American Association of State Highway Officials	HFLP	Harris Family Limited Partnership	RES	Residential
ACHD	Ada County Highway District	HRRB	Harris Ranch Review Board	RODEL 1	Interactive Roundabout Design
ADA	Americans with Disability Act	HRSPC	Harris Ranch Specific Plan Code	ROW	Right-of-Way
ADT	Average Daily Traffic	Ht.	height	S	Sidewalk
ANSI	American National Standards Institute	IHS	Insurance Institute for Highway Safety	SB	Setback
ASFH	Area of Special Flood Hazard	in.	inches	SE	southeast
ASTM	ASTM International, formerly American Society for Testing and Materials	IPCO	Idaho Power Company	sf	square feet
BL	Bicycle Lane	ITD	Idaho Transportation Department	sq. ft.	square feet
BOC	Back of Curb	km/h	kilometers per hour	ST	Street
CC&R's	Covenants, Conditions & Restrictions	LOS	Level of Service	SW	southwest
cfs	cubic feet per second	LTL	Left Turn Lane at Intersection	TND	Traditional Neighborhood Development
cu. yds.	cubic yards	m	meters	TW	Travel Way
du	dwelling units	M	Median	Typ.	Typical
DU/AC	dwelling units per acre	max	maximum	UWI	United Water Idaho
EPA	Environmental Protection Agency	min	minimum	WB	West Bound
E/W	east/west	mph	miles per hour		
FEMA	Federal Emergency Management Agency	NAP	Not a Part		
FHWA	Federal Highway Administration	NE	northeast		
ft.	foot or feet	NW	northwest		
GM	Green Median	OS	Open Space		
		P	Parking		
		PI	Planting		
		PLD	Porous Landscape Detention Facilities		



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