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Via Hand Delivery and Email

July 22, 2016

Ada County
Meg Leatherman, Director of Development Services
200 W. Front Street
Boise, Idaho 83702

**RE: Dry Creek Ranch Planned Community - Application for Modification
SB File No. 23133.3**

Dear Meg:

This firm represents BHH Investors 1414, LLC ("BHH") with regard to its interest in the Dry Creek Ranch Planned Community ("Dry Creek"). We appreciate your time as we have worked toward preparation of the enclosed applications for modification of the current Dry Creek development agreement.

The Proposal - Summarized

BHH is seeking to modify the current Dry Creek entitlements to reduce the residential density by half. This will make the project more consistent with the neighboring properties and provides for a more realistic, near-term opportunity to get the project underway. In addition to the reduction in residential density, commercial square footage has also been reduced significantly – from approximately 600,000 square feet to a more realistic 85,000 square feet.

The project will continue to take advantage of its natural setting. A revised trail system has been prepared to connect to area trail systems on the north and south of the project. New greenbelt trails will be located on both sides of Dry Creek (as well as along one side of Spring Creek) to provide an impressive amenity for the area. The greenbelts will meander through the more dense areas of the project west toward the sites planned for commercial and mixed use. Densities reduce moving away from Dry Creek to the outer areas of the project, making it harmonious with the existing neighboring densities. We have discussed the proposed reduction in density with area service providers. West Ada School District has reviewed the project and concluded that it will only require one elementary school site to serve the project rather than the much larger complex that would have been required with the existing approval. A school site has been identified for donation to the school district. Agreements have already been reached with the sheriff's department.

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To ensure there is no reduction in services, special fees of \$310.87 will be paid with each building permit. A similar arrangement has been reached with Eagle Fire District (at a rate of \$500). The Applicant has committed to donate a site for possible development of an Eagle Fire District and Ada County Paramedics joint site in the future. Library services are anticipated to be provided on terms and conditions very similar to what has been done at Avimor.

The reduction in density also reduces the burden on area roadways. Rather than the grade-separated interchanges and massive road projects required by the original approval, more modest roadway improvements will be required, largely at the intersection with Brookside Lane. Pressurized irrigation will be provided to the central areas of the project where water rights are available. Domestic water and wastewater treatment will be provided through private systems that meet all applicable local, state, and federal regulatory requirements.

Procedural Items

Reduction in the density of the project requires the following applications: (1) development agreement modification; (2) an amendment to the Dry Creek zoning ordinance; and (3) an amendment to the Dry Creek comprehensive plan. We are simultaneously submitting an application for a preliminary plat.

Per our discussions with City Staff, procedure is supplied by Section 8-2E-5 of Ada County Code. Because it is an existing approval and pursuant to the terms of the current development agreement, the proposal will be judged on the same standards under which Dry Creek was originally approved: Chapter 2, Article E of the July 2006 version of Ada County Code (the "PC Ordinance").

The enclosed application materials follow the format identified in the applicable code. Due to its size, an electronic copy of the existing development agreement dated February 10, 2010 and recorded as Instrument No. 110015780 (the "Original Development Agreement") is included with the electronic materials submitted with this application.

The text of the Original Development Agreement does not require modification; instead, the applicable parties will be updated in a proposed first amendment, included under Tab 3 of the attached materials. The exhibits to the Original Development Agreement will be modified to achieve the desired reduction in density by review of the following materials submitted with this application:

Tab 1 contains the required application forms and checklists for the modification of the Original Development Agreement.

Tab 2 contains the required neighborhood meeting notice, sign-in, and certification forms.

Tab 3 contains the proposed first amendment to the Original Development Agreement. As you will note, it is very straight-forward and the substance of the language of the

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Original Development Agreement is not proposed to be changed.

Tab 4 contains a proposed redline to the existing conditions of approval associated with the Original Development Agreement. We anticipate working with staff to refine these conditions of approval as we move forward toward hearing.

Tab 5 contains an affidavit of legal interest provided by the current owner of the applicable property.

Tab 6 contains the pre-application meeting notes from our discussion on July 14, 2016.

Tab 7 contains a description of the fees provided with this application, which (with the preliminary plat application) total \$27,740.00.

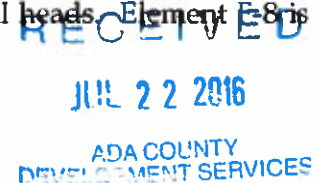
Tabs 8 through 11 include the materials required under Element B of the PC Ordinance. Element B relates to the applicable Dry Creek comprehensive plan (the “**Comprehensive Plan**”). Minor text changes to the Comprehensive Plan are proposed, along with a new Comprehensive Plan land use map. Along with the land use map, updated density tables as well as the newly proposed street, trail, and path cross-sections are provided.

Tab 12 contains the legal description for Dry Creek, which has been modified since the Original Development Agreement due to right-of-way reconfiguration. This is the correct, current boundary description.

Tab 13 contains a redline of the Dry Creek zoning ordinance. In substance, the modifications relate to changes in density and the proposed new sets of zones. The text of the zoning ordinance is provided in redline; however, in order to ensure the document remains easy to read, Tables 8-2X-5D, 8-2X-6A, and 8-2X-6B have been replaced in their entirety.

Tab 14 contains an update to the applicable economic impact study required by Element D of the PC Ordinance. As the Commissioners are aware, the prior study was completed and approved. This is an update only based on the change in density proposed. It reflects the current agreements with service providers related to any possible temporary shortfall.

Tabs 15 through 26 contain updates to Element F of the PC Ordinance, or the Dry Creek Ranch Development Plan. Each is self-described within the document; however, a few items deserve mention. Element F-5 contains an updated summary of traffic impact findings. As is customary, the full traffic impact study will be provided once completed and reviewed by ACHD staff. Element F-6 describes the new proposals for utilities and describes BHH’s plan to develop private domestic water and sewer systems for the project. Each will be subject to all applicable local, state, and federal regulatory requirement. Element F-7 describes BHH’s proposal for open spaces and parks, and includes a depiction of the trail system and walking radii to trail heads. Element F-8 is



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the Wildlife Mitigation Plan. Charlie Baun of Environmental Conservation Services Inc. has reviewed the plan in detail and provided an updated document showing minor modifications proposed. Element F-9 contains a new set of design guidelines based on BHH's plans for this project. Element F-10 shows the currently proposed phasing plan and identifies the expected pathway forward, which will be subject to market and on-site conditions (as was true of the existing approvals).

Preliminary Plat Application

In addition to the application materials associated with the modifications to the Original Development Agreement, we have also provided a preliminary plat application for Phase 1 of the project. Each of the required components are enclosed with the preliminary plat application or can be cross-referenced in the development agreement modification materials. For example, the required phasing plan is provided as Element F-10 (Tab 24) of the development agreement modification. Discussion of natural resource items is contained in Element F-1 (Tab 15). We look forward to working with staff if any items are identified that require updates or supplementation.

We appreciate your time and attention to these matters. Please contact the undersigned with any follow-up questions.

Best,



Hethe Clark
THC:SGG;g
Attachments

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