



# North Ada County Foothills Association

One voice. One goal. One plan.

Hi All,

This Update addresses four items:

1. **Eagle Mayor's TV appearance** last weekend and her assertion that development in the Foothills will not involve any road widenings beyond one new lane on Hwy 55 and an already planned third lane on some portion of North Eagle Road.
2. **State of affairs with the City's Foothills Plan**, focusing on the latest draft posted on the City's website (i.e. the "P&Z Commission Recommendations" version). Note also the date time of a Chamber of Commerce lunch at which City Staff will discuss the status of the plan...
3. **IDWR public meeting on Foothills water** (Tuesday, August 21...details below).
4. **The status of our fund-raising efforts**—specifically to support some legal work—to get questions answered that the City Attorney refuses to even recognize, let alone answer (see prior updates).

## 1. **Eagle Mayor's TV appearance:**

I am putting this one first because the Mayor's TV appearance this past weekend is generating a lot of discussion and a lot of questions. So, I will try to lay out what we know at this point.

At the bottom line, I do not believe that the City has credible analysis to support the Mayor's statements. Other than continuing traffic analyses being done by M3, for M3, there is nothing new from any independent sources (i.e. ACHD, COMPASS, ITD). The City's website is still featuring what it calls a "Compass" analysis map, and perhaps the Mayor is relying on this map in making her assertions.

However, we testified in June that [A] this "number of lanes" map was NOT done by Compass (per a conversation I had with Charles Trainor at Compass); it is instead a City staff "interpretation" of a traffic model run (results expressed in Average Daily Traffic volume, or ADT) that Compass did on the *then current* (i.e. *no longer current-see item 2 below*) draft Foothills Plan, and [B] The "number of lanes" map was highly suspect, under-reporting the actual number of lanes needed in several locations and/or assuming a roadway level of service (LOS) that represents road congestion beyond what many in the Community will quietly accept.<sup>1</sup>

Given that the City has been silent related to our analysis and questions on this matter, and has done no further comprehensive, independent traffic work, we have no choice but to conclude that our analysis and observations are correct. The situation is made worse by the fact that the latest draft of

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<sup>1</sup> See our June 10 comment letter to the City on the draft plan—on the NACFA website, Updates and Alerts page.

the Foothills plan, departs significantly from what was analyzed by Compass in June—including the seeds of far more dwelling units than shown at that point (see item 2 below).

So, while I still would like to believe that the Mayor means well and wants it to be true that no road widenings will be needed, the current state of planning and analysis at best do not support her assertions, and at worst are pointing in the opposite direction. This is one of the most significant areas in which we find ourselves pretty much adrift, looking at a piecemeal plan, without credible big-picture analysis, seeing only partially done (or poorly explained) work and/or hearing only from M3's consultants.

We can only hope (dare I say demand?) that the Mayor and City Council soon focus on exactly where things stand—including taking a hard look at the questions we are asking and concerns we are expressing and directing that we get a response (vs. the silence that has come to characterize the City's response)—that they will finally see we are nowhere near a point where anyone (they or we) can make sound decisions or accept broad assertions about impact...read on...

## **2. State of affairs with the City's Foothills Plan**

Folks, I know that some of you have been wondering when I would finally wake up and take a look at the most recent draft of the City's Foothills Plan (aka the **Foothills Plan P&Z Recommendations** version posted on the City's website). In my most recent updates on this subject, it has no doubt been obvious to anyone who read this version of the Plan that I had not read it... The fact is that I was moseying along in optimist mode, believing what I thought I heard at the P&Z Commission hearings, and thinking that the June P&Z recommendations had put us on a reasonable course. Well, it sure seems that I was very wrong. If this version of the Plan is truly what the P&Z Commission intends, then they have created **a VBM (Very Big Mess)**. Whether intended or not, this version of the Plan is alarming and warrants a major community response (strategy to be decided...).

In my view, this version of the Plan "interprets" the P&Z Commission recommendations in a manner that:

- **Completely capitulates to M3,**
- Essentially **voids the main, community-driven concepts**/directions (i.e. the positive aspects) of the prior draft, and
- **Sets the stage for far more dwelling units** in the Foothills **than we saw before** (i.e. far higher levels of development than what appeared to raise P&Z concerns about traffic, schools, taxes, etc. in the prior draft).

The story as I see it is this:

A. **The key June P&Z Recommendations as I recall them** (and as I celebrated in prior NACFA updates):

- Approve the draft Foothills Plan (i.e. its main concepts) but remove all reference to density/intensity because key questions of impact have not been sufficiently studied or resolved (particularly traffic, schools, and other fiscal/public service impacts).
- Re-define the Foothills planning area to remove Suncor lands in Gem and Boise Counties.
- Deny M3's Comprehensive Plan (CP) Map amendment (in conflict with—reversing?—direction from their prior recommendation to approve M3's CP text amendment) due to density concerns and the fact that M3's plan goes against the community-driven concept of placing community centers near the highways--and not in the center of the Foothills planning

area (i.e. M3's Village Center is in/near the center of the Foothills area (in Big Gulch) and is larger than any "center" envisioned by the draft Foothills Plan).

**B. What the new "Foothills Plan P&Z Recommendations" version says:**

- Yes, remove all reference to density/intensity for the “Foothills Planning Area”, but...
- **Remove M3's land from the Foothills Planning Area and make it a Planning Area all by itself...complete with giving them exactly what they want, including up to 8150 units.**
- **Include M3's project description (both text and maps--exactly as prepared by M3)** as the new "M3-Eagle Planning Area" portion of the draft plan. This includes:
  - **The M3 roadway scheme** (for the whole Foothills area—never mind what might emerge from the ACHD planning effort, and never mind the fact that it shows an Eagle/Willow Creek re-alignment route that we vehemently oppose—and for which we are finding alternatives),
  - **M3's version of what land is to be developed** (again for the whole Foothills area...never mind the open space or habitat concepts in the original draft plan...are we to assume that the M3 map on this subject supercedes/replaces the land use/open space overlay published elsewhere as part of the Plan?),
  - **The high-intensity (up to 20 units/acre) Village Center in the center of the foothills** (never mind the "put high density near the highways" concept of the original draft plan—and how many stories do you suppose 20/acre means...),
  - **The ability to transfer significant density** from one area to another on their lands **“later” and at their discretion** (i.e. CJ's “aggregate mystery factor”—up to 2,700 units could be moved around later without any hearings... So, how do we really get to a credible traffic analysis??), and
  - The most clear character-defining element of them all--**M3 being compensated for their 800 acre open space "donation"** either by trade for BLM land or through tax credits equivalent to fair market value (see page 97 of the draft plan)...**and still trumpeting** (pg. 101) **their "contribution" of 14% of their land to regional open space**...folks, I cannot print my sentiments on this one...

**C. What this means:**

- **This version of the Foothills Plan essentially renders the City's Foothills Planning process meaningless.** The M3 "Planning Area" would, in the most fundamental ways, become the Foothills Plan (which is what M3 wanted from the beginning...to paraphrase their statement to us..."let us lead the way and we will set the standard for foothills development"). The entitlements granted to M3 would need to apply equally to all Foothills landowners. For example:
  - **No regional open space** (i.e. habitat, natural open space outside of the development) would be required **without** dollar-for-dollar or acre-for-acre **compensation**; all open space can be internal to developments--golf courses, developed parks, schools sites, roadway medians... This is especially true if M3's approach to habitat studies, defining habitat value and wildlife mitigation is allowed to stand.
  - **High intensity development** is **OK in the center of the Foothills.**

- **No firm commitment is required regarding where density will occur** (up to a third of dwelling units can be moved around after the fact...after the traffic studies are done and the roads sized/planned...)
- **Forget about a ceiling** of 12,000, or perhaps even 20,000 homes in the Foothills...If M3 can get 8100 units on 6000 acres (i.e. 1.35 units/acre), and we have over 30,000 acres in these foothills...**you do the math**...let's see, if we assume only one unit per acre overall, and there are 30,000 acres...hmmm.
- **This “Frankenstein Plan” takes us in the opposite direction from a point of being able to address unanswered questions** on traffic, water, schools, taxes, etc. Aspects of the Plan that were starting to show us direction and set some limits are now voided. With this version, we have no idea how many units would actually be allowed ultimately and a reduced ability to understand where these units would be concentrated. We have no reason to expect that development would be concentrated near the highways, etc. We do know that much more development would be likely than assumed by any analysis done to date of the City's “evolving” plan.
- **It will fall to the City Council to sort this mess out if they choose to do so.** If this is truly what the P&Z Commission intends, then it has created a monster (whether intended or not)...internally inconsistent, with conflicting visions on what Foothills development should look like (i.e. the M3 version v. where the original draft was headed), incomplete, and supported by NO reasoned, comprehensive analysis of potential impacts. This is about as far from ideal as one can get, and I, for one, am very, very uncomfortable with it. I do not see how the Council can possibly make an informed, defensible decision.

I also do not know how the Council can/will approach this situation relative to their promise not to approve any individual development before the full Foothills Plan is done. How do we reconcile that promise with the fact that the most significant, precedent-setting, area-defining development proposal in the Foothills is now embedded in the Plan itself???—is actually becoming The Plan. I certainly do not accept any claim that M3's land/project is somehow different, distinct from and not a part of the “Foothills Planning Area”...

I know that some out there believe the “fix is in.” I am not ready to go that far, but I must admit that this latest draft of the Foothills Plan does nothing but feed that fear. All I can suggest right now is that we start preparing for our next, perhaps final opportunity to impose reason, care, and community values on this Plan: **The City Council hearing(s)—put the evening of September 18 on your calendar.** Whether we like it or not, it seems that it is all coming down to this hearing or series of hearings...and the City Council must show its colors one way or another.

A chance to **hear what City Staff has to say about this situation** will occur at the Chamber of Commerce lunch this **Tuesday, August 14 at Noon, Eagle Church of the Nazarene, 1001 W. State St.** To attend, send an RSVP email to [information@eaglechamber.com](mailto:information@eaglechamber.com) by 2 p.m. Monday, the 13<sup>th</sup>. There is a \$10 charge at the door.

### **3. IDWR Public Meeting on Foothills Water**

As announced in the Statesman last week, IDWR is holding a public meeting to discuss water in the Eagle Foothills. The meeting will be at **Eagle High School, 7 p.m., Tuesday, August 21.**

#### 4. Status of Legal Fund Contributions

The situation is: Those of you who have contributed have been very generous and I extend a huge thanks (many separate “thank you” emails are due and will follow). However, I would estimate that **less than a quarter of the people on our mailing list have responded**. Our current fund is at approximately \$5,000. We have now received an estimate from the law firm we consulted and the fact is that we are not really in the same ballpark. I am consulting with our Steering Committee on this matter to see how we might prioritize our inquiries (need for legal interpretation and guidance) to get something meaningful for the money we have. But my current sense is that if we cannot generate at least double what we have right now, we will not get the kind of research, judgment, and guidance we need. I will not spend the money contributed so far unless it will produce something meaningful (I have kept track of who has sent what and would rather return the money than spend it to no real advantage). I intend to make a few calls early next week to see if we might get some help from kindred organizations in the Valley and I reiterate my call to **EVERYONE on our mailing list: Please contribute what you can... Now is the time.**

Best regards,

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