



North Ada County Foothills Association

One voice. One goal. One plan.

NACFA Update: 3 “M”s

December 2, 2007

Hi All,

This will be a “layered” update, similar to some we have distributed in the past. This first piece deals with three very important “M”s:

1. **Mayor** (as in: the Eagle mayoral runoff election)
2. **Money** (as in: contributions to the NACFA legal fund)
3. **Meaning** (as in: What does it all mean for the foothills?)

In going through these three matters, I reference **two related, more detailed pieces**: [a] a Reader’s View written by newly-elected Eagle Councilman Mike Huffaker (attached to this email), addressing key areas of **misinformation being spread around by Bandy supporters**, and which the Statesman decided NOT to publish, and [b] NACFA’s analysis of and planned testimony regarding the (we believe) **soon-to-be-approved Development Agreement with M3** (by “soon-to-be-approved” we mean that approval is highly likely this coming Wednesday, December 5th, the day after the runoff election—6 PM, City Hall; the deadline for written comments on this matter is Monday, Dec. 3, 5 PM; public testimony at the hearing itself will only be taken on the density bonus calculations being proposed).

Ok, on to the 3 “M”s...

1. **Mayor**: I (along with the NACFA elections taskforce and many other NACFA faithful) believe that **Saundra McDavid should be the next Eagle Mayor**.

I put this one at the top of the list because how the foothills saga plays out in the future, starting pretty much immediately, will depend heavily (if not completely) on the composition of the Eagle City Council. As discussed later (item 3, below), the Foothills Plan adopted by the current Council DOES say all the right things in general terms. However, it leaves tremendous discretion to the City Council. If the Council chooses to “interpret” the plan in favor of development/developers, we will get a far different result (numbers of homes, placement of commercial, amount and patterns of open space) than if Council chooses to prioritize open space, recreation and habitat and keep the lid on how many units are built. Given that the Mayor is the “tie-breaker” (the deciding vote) if the rest of the Council is split, we need a Mayor who avows the latter approach. Of the two choices, Saundra McDavid is by far the surer bet.

2. **Money**: Folks, we need more cash to cover the costs of our legal research and vigilance. For reasons I hope you understand, I cannot go into detail regarding what we are finding and where we are headed. In general terms, I can say that we are getting good advice related to understanding and being able to intelligently monitor the City’s legal position (both the legality of what they are doing with landowners outside the City’s area of impact and whether M3’s

...citizens helping to create a sustainable vision for the future of Ada County’s Northern Foothills...

continual threats of lawsuit have any real basis). We are also using the attorney to bolster our position in the upcoming protest to M3's water rights application (i.e. the effort to protect our groundwater supply). Beyond this, I simply must ask you to trust that we are getting good bang for the buck

The bottom line is that **we need to raise an estimated \$6,000 more** than we have right now. This money is needed to [1] get us current with the attorney (he exceeded our stated budget in his enthusiasm for doing in-depth research, and after due rounds of hand-slapping and hand-wringing, the Steering Committee has decided we should reimburse his efforts and keep the relationship alive), and [2] have the ability to obtain further advice related to the water rights protest (imminent) and the City's behavior (with the latter need extending at least until the new Council takes control in January). In case you are asking, no, we are not presently heading in the direction of a lawsuit or a filing for judicial review—either would take far, far more money. On the other hand, staying in a position to exercise either of these options is advisable and desirable.

So, please contribute according to your means, consistent with how you perceive the value of NACFA's efforts over the past 5 years. I know many of you have already stretched...and I thank you very much for that. Quite frankly, we need those who have not contributed at all to date to do so now and those with the means to contribute again...we need some serious contributions to meet the above target. Send checks to: NACFA, c/o John Petrovsky, 4831 Willow Creek Road, Eagle, 83616. Make checks out to NACFA.

3. **Meaning:** Here is a “scorecard” on where we are ending up with the Eagle Foothills Plan and M3 (perhaps you can consider this in your decision whether and how much to contribute as requested above):

The Good...(stemming largely from community input, involvement, and stubborn refusal to go away...)

Foothills Plan overall

- One cohesive Foothills Planning Area (special, self-serving, “different rules” planning areas for M3 Eagle and Avimor removed)
- A Foothills Planning Area with:
 - development fitting into the natural systems of the Foothills (topography, habitat, and drainage) as opposed to the natural systems being significantly altered to allow for development
 - a series of small hamlets ... urbanized development clustered and nestled into the natural environment ... development areas separated by larger natural areas and open spaces
 - overall density “limited”, encouraging clustering of the units into a transect plan with urban type densities transitioning into permanent open space areas
 - large scale commercial, employment, institutional uses ... located along State Highway 16 & 55 ... neighborhood scale services internally to the area ... emphasis on getting traffic to the highways, not routing through Eagle
 - development not to occur until land is annexed and provision of adequate public facilities (excluding police and fire) is secured or demonstrated
 - an interconnected regional open space network, avoiding fragmentation, formalizing existing recreational uses, environmentally sensitive areas & connections between them (concept further illustrated by a regional open space overlay to establish areas that clustering and conservation development should be used)

- priorities for open space: slopes in excess of 25%, floodways, key habitat areas ... and other environmentally sensitive areas, scenic viewpoints, unique features and public lands
- a effort to work with the BLM for exchange of discontinuous tracts of public land for equal or larger tracts of contiguous ownership within the regional open space overlay ... build onto the existing public ownerships

M3 Eagle (i.e. the first development to be considered and approved in light of the new Foothills plan—current status as of hearing November 27—reflecting changes in response to adoption of the overall Foothills Plan)

- “Village” (read: City) Center removed from the center of the foothills, with comparable uses to occur along Hwy. 16
- In addition to 880 acres of dedicated regional open space, 2100 acres in the south/southeast (contiguous with and joining large BLM tracts) is limited to no more than 126 units (average density 1 unit per 17 acres); thus, roughly half of M3’s 6000 acres is either public, regional open space or left at sufficiently low density that habitat and visual open space values can be retained

The Wiggle Room, the Not-So-Good, and the Downright Bad

... dependent on your point of view, and/or [2] where exercise of discretion by the City Council can make or break the actual result over time). More will come on these matters in a follow-on piece.

Foothills Plan overall

- All density specifics and bonus formulas removed...replaced with “overall density 1 unit per 2 acres with options for clustering the base density into transects and density bonuses for the creation of activity centers and significant open space areas”
- Density bonus system to be formalized in subsequent implementing ordinances...however, first experiment is M3 (see below).
- Density bonuses to be given for open space over 20% of the site (v. the minimum of 40% open space previously in the plan)
- Firm requirement for habitat mitigation plans at full-site scale prior to development not included
- Bottom line: Likely development on the order of 25,000 to 27,000 dwelling units—could go higher with “growth and development” oriented City Council, could be lower with a Council emphasizing open space, habitat and recreation in the foothills
- Primary access routes from foothills to existing City = Linder and Willow Creek/Eagle Roads, with Linder being the major arterial route, and an intent to de-emphasize the Willow Creek/Eagle connection overall. Precise routes, and thus impact on existing neighborhoods, are not defined for either, although there is clearly an intent to re-route Willow Creek Road around existing neighborhoods (i.e. this is a struggle not yet settled, with a result very much subject to Council discretion, and ultimately to be decided by ACHD, which will also have hearings)

M3 Eagle

- Minimum ~5,100 dwelling units; maximum (with “mitigation”) ~7,200 units (the degree to which M3 will be allowed to approach the maximum will depend very heavily on Council discretion)
- In flux: Councilman Nordstrom is trying get major commercial/employment uses put back into the center...

If I were asked to provide a summary of the pros and cons of the City's foothills plan in a couple sentences, this would be this:

We (the community) have won very important victories in terms of the pattern of uses that will occur in the foothills. Starting with M3, we are on our way to [1] keeping the most intense development next to the highways (and thus we have a fighting chance to keep major traffic impacts out of central Eagle as we know it) and [2] preserving major open space, habitat and recreation lands in the central area (in a combination of lands open to the public and lands in conservation-oriented/large-lot subdivisions).

On the other hand, we face a level of development higher than we would prefer (much higher than some of us find acceptable). Whether or not that development is ultimately acceptable depends heavily on (in addition to the water supply question): [1] firmly sticking to the "patterns" set forth in the plan, and [2] making sure that development truly does pay its way (i.e. local and regional road improvement requirements, schools, fire stations, police stations, etc.). It is in the latter regard where major uncertainty still exists and it appears that this Council will move forward with approvals (specifically M3) regardless of that uncertainty. There very well may be reasonable points along the path going forward where the City can check, confirm and adjust—even with M3. **Whether and how well the City attends to these major concerns depends entirely on the Mayor and City Council...so, I return to and end on the importance of this election...**

Thanks, and best regards to all...

JP