

Exhibit E

Conditions of Approval

Barber Station (Boise)

Finding: The massing in the OC sub district is similar to office and commercial mixes found along ParkCenter Boulevard.

Finding: Providing slightly less parking for mixed use components is desirable to eliminate development with the large expanses of parking.

Finding: The P (City Park) Sub-District is designed to provide the minimum amount of necessary uses for recreational activities. No residential or commercial development is allowed in this zone. A more restrictive zone for a City Park is beneficial. It will further protect the open space provided by the park due to the fact that no residential or commercial development is allowed in the park.

Conditions of Approval

- 1) Brighton should provide Riverland Terrace with a sanitary easement (if no such easement currently exists) for Terrace property that falls within a 50-foot radius of existing Riverland Terrace public water system wells. Activities within a 50-foot radius of the existing Riverland Terrace public water system wells should be consistent with restrictions established under Idaho rules for public drinking water systems (IDAPA 58.01.08.512) in effect at the time that the easement is established.
- 2) Conform to all existing regulations regarding the collection, routing, and infiltration of storm water runoff. No storm water swales and seepage beds should be installed within 100 feet of existing wells.
- 3) Brighton shall grade the Terrace property so that surface water drainage is away from existing well lots. In areas where this is not possible, low berms (e.g., 1 to 3 feet in height) shall be installed to prevent surface water drainage from the Terrace property onto Riverland Terrace well lots.
- 4) Encourage the use of water-efficient turf and landscaping in Terrace lots.
- 5) As allowed by ACHD, Applicant shall add one of the following requirements into Design Guidelines:
 - (a) The existing 12' alley in the Mill District shall be expanded with a four-foot raised alley section on the north side of the alley. The six (6) foot building setback shall be measured from the north edge of the raised alley section to create 22-feet of backup space and at the same time will create the perception of a narrow alley that helps slow down drivers; or
 - (b) In the event the above is not allowed by ACHD, "Garages adjoining the existing 12-foot alley in the Mill District must be setback a minimum of 10 feet from the alley to create 22-feet of backup space, and the landscaped area of the yard on each side of the attached driveways must extend up to the edge of the 12-foot alley to enforce the perception of a narrow alley that helps slow down drivers."

- 6) As allowed by ACHD, Applicant shall add the following requirement into the Design Guidelines:
 - (a) A raised (6-inch high) dividing element must be installed between each bay within and between the attached garages, extending from the garage to within four feet of the existing alley in the Mill District.”
- 7) The City of Boise believes that roundabouts are the appropriate traffic controlling mechanism along Warm Springs and prefers ACHD to minimize signaling along the Park Center Bridge.
- 8) Provide educational information for Terrace residents regarding water-efficient turf and landscaping and the responsible use of lawn chemicals.
- 9) Amend the Narrative in Vol. 1, Tab 2 as follows:
 - a) The natural gravel pathway in the Marianne Williams Park will be closed seasonally to protect wintering bald eagles. Dates of closure will be determined by the Idaho Department of Fish and Game. It’s anticipated that closure dates will be November 15 through March 15.
- 10) Amend the Narrative in Vol. 1, Tab 2 as follows:
 - a) The Specific Plan maps shall be amended to clearly show that a trail will extend all the way along or through The Terrace to provide trail connectivity to adjoining properties on the east and west sides.
 - b) Amend the last two sentences of the first paragraph in the Traffic Impact Study section to read as follows: *“Applicant will participate pro rata in the Transportation Management Association, in management and implementation, and will have a Transportation Demand Management program for the site. These programs are projected to reduce site traffic by another 5%, resulting in a total trip capture of 27% on the external transportation system.”*
 - c) Add the following language to the Traffic Impact Study section: *“Applicant will participate with Ada County Highway District (ACHD), Boise City, and the public at large in the T.L.I.P., or similar public process, to determine the location for potential roundabouts, or other traffic calming measures, on Warm Springs Avenue.”*
 - d) Add the following language to the Boise River System Permit section: *“Applicant shall comply with all conditions of the Boise River System Permit CFH07-00023, as approved on August 6, 2007.”*
- 11) Amend Map 11-22-06C(1) (Concept Street & Lot Patterns – Barber Station) in Vol. 1, Tab 3 to show a ¾ access (left-in/right-in/right-out turn movements) rather than a full access between the first and second roundabouts on the “South Parkway,” as approved by ACHD.
- 12) Amend the Design Guidelines in Vol. 1, Tab 4 as follows:

- a) *Add the following language to section iv.c.2:* “The Continuing Care Retirement Community, as presented or redesigned, must meet the following minimum standards:
 - i) The majority of the building shall be setback from Warm Springs Avenue to allow for landscape and outdoor space along this street frontage.
 - ii) Buildings shall be stepped in height. The structures shall step from two to three to four stories from both the east and the west street frontages. Any four story building shall be located central to the site away from the existing single-family residential structures already developed in the area.
 - iii) The building footprint and façade shall be highly modulated and well articulated in wall planes and materials.
 - iv) Vehicular site circulation shall be internal to the site and not highly visible from Warm Springs Avenue, subject to ACHD requirements regarding street access.”
 - b) *Add the following new bullet to section v.c.:* “No Class I trees will be allowed adjacent to public pedestrian walkways.”
 - c) *Add the following new bullet to section v.e. and amend the graphic on page 17 to reflect the increased 8’ parking lot planter width:* “Planters within the parking fields shall be a minimum of 8’ wide to allow for a Class II or III tree. A 6’ wide planter may be utilized in conjunction with a Silva Cell or equal product. No Class I trees will be allowed within parking lot planters.”
 - d) *Add the following new bullet to section v.i.:* “Interconnection of adjacent buildings by providing clearly marked pathways both to the primary pedestrian pathway and from building to building.”
 - e) *Add the following new bullet to section v.l.:* “Only walkway light fixtures that prevent “bright sky” effects shall be allowed.”
 - f) *Add the following new bullet to section v.m.:* “All site lighting and landscape plans shall be developed to coordinate the placement of trees and lighting fixtures and avoid tree/pole conflicts.”
 - g) *Add additional photographic imagery for the single-family detached and attached structures to section vi.3 (which begins on page 40).*
 - h) *In section vii.f. change the bullet to a number 1.*
 - i) *Delete section vii.m. in its entirety.*
- 13) Amend the Barber Valley Zoning Ordinance in Vol. 1, Tab 6 as follows:
- a) *Amend Section 11-22-02-03.08(C) to read as follows: “BVDR Board Review. Development applications within the BVD District must be submitted to the Barber*

Valley Design Review Board ("BVDR Board") prior to submission to the City for design review approval. The BVDR Board shall forward their decisions on to the City for their consideration for all projects."

- b) *Amend Section 11-22-02-03.08(E) to read as follows: "Level of Review. The Planning Director shall determine whether an application shall be processed at the administrative level or Design Review Committee ("Committee") level; provided, however, (i) all applications for projects that have less than 5,000 square feet of gross building area and less than 20,000 square feet of site improvements shall be administratively reviewed by the Planning Director and (ii) all applications for a Continuing Care Retirement Community shall be reviewed at the Committee level."*
- c) *Add the following new footnote below Table 11-22-02-03.09: "* This use is not allowed in the 8-acre parcel in the SP02 MR Sub-District." Add an asterisk (*) next to each of the following uses in Table 11-22-02-03.09: Apartment or Multiple Family Dwelling, Continuing Care Retirement Community, Assisted Living Apartment, Skilled Nursing Care Facility, Memory Care Facility, Nursery (retail or greenhouse), and Medical Clinic.*
- d) *Amend footnote **** to Table 11-22-02-03.10 to read as follows: "**** 5' setback allowed on corner lots with garages accessed from the side yard street (see Exhibit C); 30' setback required on lots abutting the existing Riverland Terrace Subdivision."*
- e) *Add the following new footnote to Table 11-22-02-03.10 for the SP02-MR column: "The following standards shall apply to the 8-acre parcel in the SP02 MR Sub-District only: (i) the maximum density shall be 12 units per acre; (ii) on perimeter lots adjacent to existing residential alleys, structures shall be no more than two (2) stories and rear yard setbacks shall be six (6) feet; (iii) alley access shall accommodate twenty-two (22) feet of backup space; (iv) the maximum building height shall be thirty-five (35) feet."*
- f) *Amend Section 11-22-02-05(5) to read as follows: "Periodic Review. The Planning Director may perform a review of the implementation of the Barber Valley Specific Plan not more frequently than every one (1) year after approval of first final plat. The review may address any matters the Planning Director deems appropriate regarding the progress of the development, including but not limited to (a) the Transportation Management Association; (b) the Barber Valley Wildlife Mitigation Plan; and (c) traffic impacts until 2016. Any modification of the Barber Valley Specific Plan Zoning Ordinance may only occur after review by the Barber Valley Specific Plan Applicant and the Planning Director and in compliance with the applicable Boise City Code sections for zoning amendments and Idaho Code Section 67-6511(d)."*

14) Add the following language to the Infrastructure/Phasing Plan in Vol. 1, Tab 12:

- a) "No occupancy permits may be issued in the Barber Station section of the Barber Valley project until the opening of the East Park Center Bridge for traffic. Plats and building permits may be processed prior to completion of the bridge."

- b) "All contractors providing services for any construction of the Barber Valley project shall be required, to the extent reasonable and practicable, to take access from points other than Warm Springs or Boise Avenue."
- c) "The future controlled intersection of Barber Station Drive and East Park Center Boulevard is approved as a potential signal location as part of ACHD's bridge project. The intersection will be installed with the East Park Center Bridge and the infrastructure will be installed by ACHD when/if the intersection meets warrants."
- d) "Applicant shall construct the required gravity trunk line in the future Barber Station Drive alignment, or provide the City of Boise a sanitary sewer easement for the construction of this trunk in the instance that other developments are progressing in advance of this development, or if the City of Boise is required to add capacity to or remove the existing Eckert Sanitary Sewer Lift Station."
- e) "Applicant will have on-site stormwater systems in the Barber Station and Marianne Williams Park to meet Boise City Stormwater Management standards."
- f) "Applicant shall provide an irrigation plan only for the applicable phase during the preliminary plat application of each individual phase."
- g) "If ACHD does not approve a roundabout for the intersection of The Terrace adjacent to Maynard Gulch and Warm Springs Avenue, then another form of pedestrian crossing must be provided for residents north of Warm Springs."
- h) "Applicant shall comply with Idaho Department of Environmental Quality regulations applicable to development of The Terrace in relation to the three wells owned and operated by the Riverland Terrace Subdivision Water Board."
- i) "Applicant shall provide a domestic water stub to the Riverland Terrace Subdivision and shall size water trunk lines to accommodate Riverland Terrace Subdivision's potential future hook-up to the municipal potable water system."
- j) "As feasible and permitted by the Fire Department, Applicant will endeavor to site the fire hydrants within The Terrace such that they might also provide some fire protection to the Riverland Terrace Subdivision."
- k) "Applicant will provide information in the CC&Rs for The Terrace about the safe use of landscape and garden chemical applications, irrigation, and hazardous waste handling and disposal to avoid water quality impacts."

15) Add the following language to the SP02 Wildlife Mitigation Plan in Vol. 2, Tab 16:

- a) "The Developer, Conservation Director, and the Advisory Committee shall seek to coordinate with Harris Ranch, Idaho Department of Fish and Game, ACHD, and other interested parties to collectively fund and design a wildlife crossing of Warm Springs Avenue at the Maynard Gulch location, to be completed by the time Phase III of The

Terrace is completed. The Conservation Director shall provide funding collected from the Barber Valley project to help facilitate its pro rata share of construction of the Warm Springs wildlife crossing. The Developer shall provide necessary access easements on its property for the wildlife crossing.”

- b) “The Authoritative Oversight Committee shall be comprised of one representative from each of the following entities: (1) Harris Ranch Neighborhood Association; (2) Boise City staff (to be designated by the Planning Director); (3) Ada County Soil and Water Conservation District (ASWCD); (4) Idaho Department of Fish & Game; (5) Idaho Conservation League; (6) Owner/Developer (one each from Harris Family Partnership Ltd. and Brighton Corporation); (7) Southwest Resource conservation and Development district (RC&D); (8) Bureau of Land Management.”
- c) “The Developer shall seek to coordinate with Harris Ranch to hire and fund a single Conservation Director to administer the SP01 and SP02 Wildlife Management Plans.”
- d) At the one year review the City and the developer shall assess the equity of the wildlife funding methods between Harris Ranch and Barber Valley.