

## **Boise takes Ada County to court over planned community**

### **Mayor wants judge to determine if plan meets county code**

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The city of Boise went to court Wednesday to challenge Ada County's intention to let developers build an 830-acre, 684-home planned community in the Foothills northeast of Eagle.

Boise Mayor Dave Bieter said the city has questions about the procedure and the substance of the county's decision, including whether it meets county code and the state land-use planning act.

Bieter also said the commissioners appeared to have made up their minds in advance, violating their role as independent reviewers and decision-makers.

City officials filed a petition for judicial review in 4th District Court on the county commissioners' Feb. 8 approval of SunCor's application to build Avimor.

Ada County Commissioner Rick Yzaguirre said he was surprised by the city's move, but welcomed a judicial review of the commission's Feb. 8 decision.

"We don't see any outstanding issues we haven't addressed, but we will leave that to the judge," said Yzaguirre.

Bieter said the city wants a judge to look at whether the county followed legal and procedural requirements, and also whether the county's approval of Avimor was predetermined.

"Once the application is filed, that's when local elected officials become judges, even in a quasi-judicial role," said Bieter.

He said county commissioners made public statements that may have been in favor of Avimor before the commission held a public hearing and voted on SunCor's application.

Bieter said the appeal provides "an opportunity to view the whole record and ask someone outside of the political process to take an independent look."

Wednesday marked the last day the city could petition for judicial review. The city legal staff will review the county's public hearing transcripts and other Avimor records. Then the city and the county will go before the judge to see if SunCor's application should be remanded to the county commission for reconsideration. A hearing date has not been set.

SunCor officials had just learned of the city's action and weren't prepared to comment Wednesday, said general manager Bob Taunton.

Bieter has been a vocal opponent of SunCor and what he calls "leapfrog" development. He asked Ada County last year to hold off on considering applications for planned communities until Blueprint for Good Growth, a joint regional Ada County land-use plan, is completed.

"We've been troubled by (SunCor) from the day we first learned about it and have voiced those concerns at every step of the process," Bieter said Wednesday.

Bieter said the city is not opposed to all planned communities, but, "Avimor is a good project in a bad place." The area east and south of Micron is better for a planned community, Bieter said. It has freeway access, sewer and water, nearby employers and new developments would not consume productive farmland or ecologically sensitive Foothills land, Bieter said.

"Ecologically and geographically, Southeast in particular is tailor-made for development."

#### **About Avimor**

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Avimor is the first phase of SunCor's 26,600-acre Spring Valley Ranch project.

It is east of Idaho 55 a couple of miles north of Shadow Valley Golf Course near the Ada and Boise county line. The 830-acre planned community will feature 684 homes and 75,000 square feet of commercial and community facilities.

About 60 percent of the community will remain open space, including 20 acres of parks and playfields and about 9 miles of trails with connections to the Boise Foothills for residents, visitors and the public.

SunCor's Spring Valley project is a partnership between SunCor and the McLeod family, which has owned Spring Valley Ranch for nine decades. The family put 26,600 of the ranch's 37,300 acres into a trust for the development agreement with SunCor.

Arizona-based SunCor has built several planned communities in the West, including Rancho Viejo in Santa Fe, N.M., Coral Canyon in Utah and Hidden Hills in Scottsdale, Ariz. In 2002, the development firm had assets of more than \$535 million. Find more information about SunCor at [www.suncoraz.com](http://www.suncoraz.com).