

**BOARD OF ADA COUNTY COMMISSIONERS  
MINUTES OF THE PUBLIC HEARING  
WEDNESDAY, NOVEMBER 6, 2013  
6:00 P.M.**

The Board of Ada County Commissioners (Board) met this date in the Ada County Public Hearing Room of the Ada County Courthouse Complex. Staff present: Mark Perfect, Brent Danielson and Megan Basham, Development Services; and Claire Tardiff, Prosecuting Attorney's Office. Minutes Recorder: Judy Morris.

**I. IN THE MATTER OF CALL TO ORDER:**

Commissioner David L. Case called the meeting to order at 6:00 p.m.

**II. IN THE MATTER OF ROLL CALL:**

Commissioners David L. Case, Jim Tibbs and Rick Yzaguirre were present.

**III. IN THE MATTER OF CHANGES TO THE AGENDA:**

There were no changes to the agenda.

**IV. IN THE MATTER OF NEW BUSINESS:**

**1. 201301339-V: KAREN HOFF:** An application for a Variance from the one hundred foot (100') setback from the floodway boundary as required in the Boise River Greenway Overlay District set forth in Article 8-3G of the Ada County Code. The subject properties are Assessor's Tax Parcel R1472050575 & R1472050580, located at 7893 N. Vue Estates Road, R1472050600, located at 7885 N. Vue Estates Road, R1472050655, located at 410 E. Clear Creek Drive and R1472050690, located at 200 E. Clear Creek Drive, Meridian, Idaho; Clearvue Estates Subdivision, Section 18, T. 4N., R. 1E.

M. Perfect requested this matter be tabled to the December 4, 2013, as Applicant was unable to attend tonight's hearing.

**ACTION: J. TIBBS MOVED TO TABLE APPLICATION NO. 201301339-V: KAREN HOFF TO DECEMBER 4, 2013. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

**2. 201300966-ZC-DA-S-PUD: KM ENGINEERING, LP:** A zoning ordinance map amendment to rezone approximately 29.41 acres from the RUT District and RSW District to the R8 District with a development agreement. Also, a 125 lot subdivision as part of a Planned Unit Development (PUD) consisting of 117 residential lots and eight (8) common lots. The property is located at 3581 S. Cloverdale Road and 4580 E. Bott Lane, Section 28, T. 3N., R. 1E.

D. Case opened the public hearing.

Brent Danielson entered Exhibit No. 61, the Sign Posting Certification, into the record and presented the Staff report. He advised the Board that Staff was recommending that Condition No. 9, be stricken from the Planning and Zoning Committee's recommendation. He said Condition No. 9 required Applicant to apply for a comprehensive plan amendment to include the portion of the property that's in Meridian's area of impact into Boise City's area of impact. He stated that the County and Boise City are currently in negotiations regarding the area of city impact and the Title 9 Agreement. He said the proposed changes will incorporate the property in question. He said the Development Agreement is not ready to be signed at this time, so if the Board chooses to approve the project, he recommended the contract be tabled to the November 19th follow-up meeting.

R. Yzaguirre requested B. Danielson explain the bonus referenced in the Staff report. B. Danielson explained that in order to increase density, the developer needs to provide dedicated open space within the development, or provide a public amenity. A minimum of 10% dedicated open space is required as part of the Planned Unit Development. He explained that the current comprehensive plan for Antler Ridge has a density of three dwellings per acre. He said Antler Ridge is providing 11.7% dedicated open space, allowing them to have up to 4.7 dwelling units per acre.

J. Tibbs asked B. Danielson to discuss the lot density in the surrounding area. B. Danielson responded that typical densities directly to the East of this development are roughly 4 dwelling units per acre.

Applicant's representative, Tim Mokwa of K&M Engineering, stated his name and address for the record. He showed photographs of the proposed subdivision and explained the preliminary plat consisted of 124 lots, consisting of 116 building lots and 8 common area lots. He said the proposed lots averaged approximately 5,000 feet and would consist of a variety of house types and sizes. He explained the original plan was modified to address concerns of neighbors. The modifications included reducing the number of buildable lots from 144 to 135. He explained the total number included the property currently within the Meridian area of impact, which would be the final phase of their project. He said the common area was increased from 1.7 acres to 3.4 acres, or 11.7%. He stated the phasing has also been revised to address the traffic impact. He explained that Kelson and Associates were hired to conduct a traffic impact study which was reviewed by ACHD. Based on the study, a dual turning lane will be added in phase one to mitigate traffic impact. He said Idaho Code prevents the developers from impeding with the neighbors' irrigation water rights. He also stated that sewer will be provided by the city of Boise and water will be provided by United Water.

J. Tibbs inquired what the timeline is for completing all six phases. T. Mokwa responded they would like to complete all phases within five years, but the market will play a role in completing the full project. He said phase one will have roughly 40 lots with a lot of capital improvements. Phases two and three will likely be done together as they have a condition that a shared street be extended. He said he believes those would be completed within two years. The remaining phases will be dependent on the market at that time.

D. Case asked what amenities were being considered for the common area. T. Mokwa responded that they currently had no plans for amenities. He explained it would be green space with landscaping.

Delpha Anderson stated her name and address for the record and presented testimony opposing the Application. She explained that the proposed development was located in the center of properties on a minimum of one acre lots. She said she would like the homes to be single level and suggested the common area be surrounded by trees and a fence.

Earl Esson stated his name and address for the record and presented testimony opposing the application. He argued that the development does not fit within the current Blueprint Boise plan. He expressed his concerns with water seepage or overflow from the Antler Ridge Subdivision onto his property. He said he would like confirmation of the proposed setbacks and grade match to the existing drainage ditches. He argued that approving an R8 in this area doesn't seem appropriate.

Lisa Esson stated her name and address for the record and presented testimony opposing the application. She reiterated the testimony of E. Esson regarding the density of the development and R8 zoning. She said the proposed sizes of the homes will impact the views of the surrounding neighbors. She argued that the traffic study was conducted in mid-July, which is not during higher traffic periods. She expressed concern for the additional burden that will be placed on the Meridian School District.

Deanna Fulcher stated her name and address for the record. She inquired if there was a possibility that phase six would not be developed. She also questioned the change in the plans from cul-de-sacs to street stubs. She requested a transition area be added adjacent to her property.

T. Mokwa re-approached the podium to respond to testimony and concerns raised. He said, in response to D. Anderson, he believes the buffer around the common area is satisfactory. He said Applicant is proposing R8, but the density will be 4.7 units per acre. He said if phase six does get built out, they would submit a preliminary plat prior to doing so and would need to go through the appropriate processes. He said the proposed development will not cause overflow or seepage problems for the neighboring properties. He said the traffic study was conducted following industry

standards that dictate how the data is collected to determine peak usages. He said ACHD heavily scrutinized the traffic study and did approve it. He said school density is always an issue, and was an issue before the project was considered. He said the changes from a cul-de-sac to stub accesses were driven by ACHD and Boise City's recommendations. He said they would be willing to look at extending the common area adjacent to D. Fulcher's property.

R. Yzaguirre inquired if Applicant would be willing to consider building single level homes around the perimeters. T. Mokwa explained that he believed the concern related to the area that they are not developing at this time and did not desire to have that condition. R. Yzaguirre inquired if there is a landscape plan at this time for the common area. T. Mokwa responded there is a requirement to present a landscaping plan prior to final development. R. Yzaguirre stated he would like park amenities and trees in the common area. T. Mokwa stated that the perimeter of the property would be fenced.

B. Danielson explained the 30 foot set-back identified on the preliminary plat. He stated it appeared there was a 12 foot irrigation drainage and utilities easement along the boundary. T. Mokwa advised that the legend on the drawing was incorrect, as there is not an easement on that property. He stated that perhaps the line should have been removed when the plat was revised. He said the proposed set-backs are intended to meet the R8 zone.

D. Case closed the public hearing.

R. Yzaguirre said that he believed the rezoning to R8 was a bit deceiving, as the proposed density is 4.7 units per acre rather than 8 as allowed. J. Tibbs stated that he is comfortable that Applicant will not build out Phase 6 without going through the hearing process.

**ACTION: R. YZAGUIRRE MOVED, IN LIGHT OF THE FACT THAT STAFF AND THE PLANNING AND ZONING COMMISSION HAVE RECOMMENDED APPROVAL, TO APPROVE APPLICATION NO. 201300966-ZC-DA-S-PUD: KM ENGINEERING, LP, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT; AND TABLE FINAL ACTION ON THE DEVELOPMENT AGREEMENT TO THE NOVEMBER 19, 2013, DEVELOPMENT SERVICES MEETING. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

## V. OTHER

- **200600069-DA(G): AVIMOR VILLAGE 1:** This is a two-year Periodic Evaluation and Review of the Avimor Planned Community. This review is being conducted to determine if Avimor is developing in conformance with the Avimor Specific Plan and to satisfy code requirements. The review is based on the eleven objectives contained in the Avimor Specific Plan and a review of the Development Agreement. Avimor is located within portions of Sections 7, 8, 17, 18, and 19, T. 5N., R 2E.

D. Case opened the public hearing.

M. Basham discussed the various surveys conducted regarding the Avimor development and B. Danielson reviewed Goal No. 6, Livability; No. 7, Diversity; No. 8, Sustainability; No. 9, Infrastructure; No. 10, Community Services; No. 11, Wildlife.

Dan Richter, Managing Partner of Avimor Partners LLC, stated his name and address for the record. He reviewed a Power Point which provided a history of the Avimor project and highlighted the changes and development continually occurring. He discussed their water facility and amenities. He discussed the Community Center which will be completed Spring 2014.

D. Case closed the public hearing.

**ACTION: J. TIBBS MOVED, BASED UPON THE AVIMOR RESIDENT SURVEY, AVIMOR USER GROUP SURVEY, AND ANALYSIS OF COMPLIANCE WITH THE AVIMOR SPECIFIC PLAN; AND THE RECOMMENDATION OF THE COMMISSION AND THE DIRECTOR, TO APPROVE PROJECT #200600069 DA-G (THE 2013 AVIMOR PERIODIC EVALUATION AND REVIEW). R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

**VI. IN THE MATTER OF ADJOURNMENT:**

There being no further business to come before the Board on this date, the meeting was adjourned at 7:27 p.m.

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David L. Case, Chairman

ATTEST:

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Christopher D. Rich, Ada County Clerk