

December 12, 2008

Aase's Canyon Point Development, LLC
8899 South 700 East, Ste. 180
Sandy, UT 84070

Capital Development, Inc.
6200 N. Meeker Place
Boise, ID 83713

Re: **CAR07-00042/DA / 6890 N. Plano Road**
CUP07-00084, CFH07-00022 & SUB07-00065 / Appeal

Dear Applicants:

This letter is to inform you of the action taken by the Boise City Council on your request to annex ± 296.12 acres, combined with ± 36.63 acres within Boise City Limits for a total of ± 332.75 acres located at 6890 N. Plano Road with zoning designations of R-1A/DA (Single Family Residential with a Development Agreement-2.1 DU/Acre) and A-1/DA (Open Land with a Development Agreement). Also your appeal of the Planning and Zoning Commission's denial of Conditional Use and Hillside Development Permits and Subdivision for the construction of a 155 unit Planned Residential Development on ± 332 acres located at 6890 N. Plano Road in a proposed A-2/DA (Open Space with a Development Agreement) zone.

The Boise City Council, at their meeting of December 9, 2008, approved the appeal and determined that the Planning & Zoning Commission erred by not recognizing the base rights associated with the current zoning on the applicant's parcels. They found that the Foothills Planned Development Ordinance does allow the current zoning to be used to establish the base unit count for a subdivision in the foothills. They remanded all of the associated applications back to the Planning & Zoning Commission to be reviewed and heard again in consideration of this determination on base zoning rights. They specifically directed that the Foothills Ordinance be followed and that the Commission address the applicant's three questions as stated in their appeal Memorandum:

1. Does the Foothills Planned Development Ordinance (FPDO) require that upon annexation, the buildable areas be zoned R-1A?
2. Does FPDO establish that the base density on parcels proposed for development is that given for the existing zones on the property?
3. Does FPDO implement by reference the intent to allow for density transfers among parcels within a project in accordance with the Foothills Policy Plan?

The Council also asked the applicant to work further with the neighborhood in an effort to arrive at a project design that is more acceptable to them. They further suggested that a City-initiated Mediation process may be used if agreement cannot be reached.

If you have any questions, please contact Bruce Eggleston in this department at 208/384-3830.

Sincerely,

Hal Simmons
Planning Director
Boise City Planning and Development Services

cc: Moffatt Thomas Barrett Rock & Fields, CHTD. / Robert Burns / US Bank Plaza Building /
101 S. Capitol Blvd., 10th Fl. / Boise, ID 83701