



Planning & Development Services

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December 4, 2009

Robert B. Burns
Moffatt, Thomas, Barrett, Rock & Fields
101 S. Capitol Boulevard
Boise, ID 83701

Re: **CUP07-00084 & CFH07-00022 / Appeal**

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Council on your appeal of the Planning and Zoning Commission's denial of a conditional use and hillside development permit for the construction of a 163 unit planned residential development on +/- 332.75 acres located at 6890 N. Plano Road in proposed R-1A/DA (Single Family Residential with Development Agreement) and A-1/DA (Open Land with Development Agreement) zones.

The Boise City Council, at their meeting of December 1, 2009, **denied** your request as per the recommendations and findings of the Planning and Zoning Commission. The Council determined that the CUP and Hillside applications failed to meet the intent of the Foothills Policy Plan and the Foothills Planned Development Ordinance; particularly in regard to the emphasis on prominent ridge top development, the conventional lot layout with minimal clustering of units and the excessive amount of grading required. Attached are the Reasons for the Decision.

This decision may also be appealed to the District Court within 28 days following the decision. The landowner may request a taking analysis within 28 days following such final decision in accordance with Section 67-80003 of the Idaho Code.

If you have any questions, please contact this department at (208) 384-3830.

Sincerely,

Hal Simmons
Planning Director
Boise City Planning and Development Services Department

HS/nh

cc: Capital Development, Inc. / 6200 N. Meeker Place / Boise, ID 83713
AASE's Canyon Point Development, LLC / Attn: Aspen Capital /
8899 South 700 East, Ste. 180 / Sandy, UT 84070
Parties of Record

