

SUMMARY STATEMENT

North West Neighborhood Association v. City of Boise and Trilogy Development, INC.; Viper Investments LLC; Fastwater LLC; and Corey Barton
Docket No. 49179

This appeal concerns judicial review of the Boise City Council's decision to approve three interrelated land use applications. In 2018, Trilogy Development, Inc., Viper Investments LLC, Fastwater LLC, and Corey Barton applied for a rezone, a preliminary plat, and a planned unit development (PUD) with a land exception to build a new multi-use residential area on 38 acres of land in an area affectionately referred to as "Old Hill Road." North West Neighborhood Association (NWNNA), a group of residents, property owners, and business licensees within the neighborhood, actively opposed this project, voicing concerns about adequate fire protection, among others. The Planning and Zoning Commission denied the PUD and recommended denial of the rezone and preliminary plat applications. The City Council, after multiple hearings, reversed the denial and approved all three applications with specific conditions. NWNNA submitted a request for reconsideration, which the City Council denied. NWNNA then filed a timely petition for review with the district court, which affirmed the City Council's decision. NWNNA appealed.

The Idaho Supreme Court reversed the decision of the district court in part and remanded with instructions to invalidate the actions of the City Council and remand for adoption of a reasoned statement. The Court held: (1) the Boise City Council failed to satisfy the requirements of the Local Land Use Planning Act in providing a reasoned statement explaining the criteria and rationale for its decision; (2) NWNNA failed to preserve its procedural challenge regarding the City Council's lack of referral of the applications to the Eagle Fire Protection District; (3) any other procedural defects in the City Council's actions did not affect NWNNA's substantial rights; and (4) no party is entitled to attorney fees. The Court further explained that, on remand, while the City Council is required to adopt a reasoned statement that comports with the requirements of the Local Land Use Planning Act, I.C. § 67-6535(2), the City Council may, but is not required to, conduct additional public hearings or receive testimony on the matter.

***** This summary constitutes no part of the opinion of the Court but has been prepared by court staff for the convenience of the public. *****