



DEVELOPMENT SERVICES DEPARTMENT

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To: Planning and Zoning Commission
From: Jenah Thornborrow, Development Services Director
Subject: Review of CPAFY2024-0005/ ORD1051-26
Date: For March 18, 2026, Planning and Zoning Commission Meeting

REQUEST

This is not public hearing. The request is for a review of CPAFY2024-0005/ ORD1051-26, for comments.

The purpose of this remand review is to ensure Ordinance 1051-26 aligns with the Idaho Supreme Court's holdings in the Interfaith Case and that administrative and hearing procedures are legally sound.

CONTEXT

On September 9, 2024, after receiving recommendations from the Planning and Zoning Commission, the City Council conducted the first reading of Ordinance 1051-26 (previously Ordinance 1051-24), which is an amendment to the Development Code, Title 8, Administration and Design Review sections. On September 23, City Council approved and conducted the second reading as amended. On October 14, 2024, Ordinance 1051-24 was on the agenda for the third reading, and to adopt and publish it into law. However, based on legal recommendations, City Council continued the third reading to December 9, 2024, to await the Idaho Supreme Court's decision in Veterans Park Neighborhood Ass'n, Inc. v. City of Boise [Interfaith], 2025 Ida (Interfaith Case).

On February 24, 2025, the city Council remanded Ordinance 1051-24 to Planning and Zoning Commission for a work session, to consider the holdings and conclusions in the Interfaith Case to ensure that the city's regulations and policies conform to how the city must handle land-use decisions.

The legal department provided the following memorandum including seven points of consideration resulting from the Interfaith Case. [Legal Memorandum](#).

The concerns brought forth by the Interfaith Case have been addressed administratively as well as through a review of ordinances.

Staff now provide recommendations and potential reasoned statements that are more robust to meet Idaho Code § 67-6535 requirements and attempt to provide context that may otherwise be inherent to land use decision makers for its intended audience, which is the reviewing body, which ultimately could be the judiciary.

Except for Design Review standards, standards have not been addressed in Ordinance 1051-26. A complete review of all standards is anticipated to be addressed at a future date.

The City Council will consider this matter via a public hearing on April 13, 2026 in conjunction with proposed updates to the proposed [Updates to the Garden City Hearing and Meeting Guideline Policy](#) (proposed amendments included in link in blue highlight).

BACKGROUND

The code deficiency initially identified and previously reviewed by the Planning and Zoning Commission and City Council was stated as:

Currently the code requires a public hearing if there is an objection to the Planning Official's decision. This is drafted to follow the public hearing process with the hearing to be at City Council. The legal department indicated that this process would more appropriately be an appeal, and that appeals should not be *de novo*. Note the ordinance notes when a public hearing is required.

GCC 8-6B-3.F is a conflicting provision.

Finally, 8-6 contains hearing provisions, however the city has also adopted, by resolution, hearing, and appeal procedures.

SUMMARY OF CHANGES TO ORDINANCE 1051-26 SINCE SECOND READING

Ordinance 1051-26 was not found by staff or the city attorney to be out of line with Interfaith Case.

Notwithstanding there have been some suggested updates to the ordinance since the second reading of Ordinance 1051-24. A summary of the updates are as follows:

- There has been a review to ensure that the proposal is objective and not aspirational in nature.
- Clarify that public hearings are *de novo*, and appeals are not *de novo* (previously proposed), however, it is clarified that the City Council may conduct a free review of the appeal.
- Remove provisions that are now identified in the [adopted Garden City Hearing and Meeting Guideline Policy](#)
- Provides strikethrough to address incorrect codification of ordinance 1004-19 and regarding duties of and the practices for the appointment of the Planning and Zoning Commission.
- Define administrative, administrative with notice, and public hearing processes, including associated appeals and requests for reconsideration.
- Clarifying language added to the Design Review thresholds.
- Clarification that “compatible with the neighborhood” means compatible as “identified in the Garden City Comprehensive Plan.”
- Update language currently codified in error to be consistent with what was adopted per ordinances 1004-19 and 1026-22 8-6A-2.

For a more complete review, please refer to [Review of Changes to ORD1051-26](#). For the ordinance, please refer to [Proposed Ordinance 1051-26](#).