



GARDEN CITY PUBLIC MEETING & HEARING GUIDELINES POLICY

Resolution No. 1245-26, approved by the Mayor and Council on May 11, 2026, which revises and replaces prior procedures (Resolution No. 1234-26)

Table of Contents

- PURPOSE4
- GENERAL PUBLIC MEETING PROCEDURES5
 - PUBLIC MEETINGS GENERAL5
 - Legal Framework.....5
 - Notice and Record Keeping.....5
 - Establishment.....7
 - Basic Parliamentary Procedure7
 - Location.....7
 - The Presiding Officer Responsibilities.....7
 - Role of Members8
 - Other Permanent Boards and Committees.....8
 - Library Board.....8
 - Other permanent Boards and Committees.....9
 - Temporary Committees9
- CHAPTER 2 LAND USE APPLICATIONS.....10
 - Administrative with Notice Application Noticing: Design Review, Minor Land Division, non-conforming set-back extensions.....10
 - Initial Application10
 - Neighborhood Meeting10
 - Public Comment.....14
 - Agency (Political Subdivisions with Jurisdiction) Notice15
 - Interested Parties15
 - Public Hearing15
 - Land Use, *De Novo* Public Hearing16
 - Noticing16
 - Procedural Order for Public Hearing22
- CHAPTER 3 POST-DECISION REVIEWS26
 - Council-Initiated Review27
 - Appeals.....27
 - Reconsideration.....28

CHAPTER 4 ALCOHOL REVIEW COMMITTEE (ARC)30
CHAPTER 5 ALCOHOL REVIEW COMMITTEE (ARC) APPEAL/
RECONSIDERATION32

PURPOSE

This plan consolidates Garden City’s adopted public meeting and public hearing procedures into a practical, operational document. It affirms the City’s commitment to orderly, thorough, and expeditious public meetings and hearings. The City has formally adopted this policy by resolution. The policy is enforceable.

GENERAL PUBLIC MEETING PROCEDURES

PUBLIC MEETINGS GENERAL

Legal Framework

The following statutes and codes provide for the legal basis to establish this policy.

The Idaho Open Meeting Law applies to any group of two or more members of a public agency with authority to make decisions or recommendations, Idaho Code [\(§ 74-202\(5\)\)](#).

Application to subcommittees: Any subagency or committee created by statute, ordinance, or legislative act is also a governing body and must hold open meetings if it meets the membership and decision-making criteria, Idaho Code [\(§ 74-202\(4\)\(d\), § 74-202\(5\)\)](#).

Idaho Code [§ 74-205](#) (Open Meeting Law): Governing bodies must keep written minutes of all meetings; full transcripts/recordings are not required unless another law mandates them.

Attorney General guidance: Idaho's OML manual and related training materials emphasize that all county advisory boards, committees, and commissions are subject to Idaho's Open Meeting Law.

Idaho Code [§ 67-6534](#) (LLUPA): Cities must adopt procedures for public hearings in land use matters, ensuring due process, clear provisions for notice, creation and maintenance of a verbatim record, and mechanisms for affected persons to present and rebut evidence.

Garden City Code [§ 8-6A Development Code, Administration, General Provisions](#), identifies land use hearing requirements.

Garden City Code [§ 3-2A1-9 Business and Licenses, Alcohol Beverages](#): Establishes procedures for Alcohol Review Committee recommendations and appeals, including revocation/suspension processes and the alcohol license points system.

Notice and Record Keeping

Meeting Notice

All Garden City Committees and Boards must follow standard notice, agenda, and minutes provisions:

- Regular meeting notice: at least five (5) calendar days, with agendas posted 48 hours prior to the meeting (Idaho Code [§ 74-204](#)).

- Special or emergency meetings: 24-hour advance notice and agenda unless an emergency waives this (Idaho Code [§ 74-204\(4\)](#)).
- Written minutes must include attendance, motions, votes, and outcomes (Idaho Code [§ 74-205](#)).

Minutes

Minutes- General

All public meetings of a governing body must have written minutes.

1. Minutes must include:
 - Attendance.
 - All motions/resolutions/orders/ordinances proposed and their disposition.
 - Voting results; if requested, record each member’s vote by name.

All minutes (open and executive session) must be made available to the public within a reasonable time after the meeting. Generally speaking, this is by the next regularly scheduled meeting.

Transcribable Verbatim Record

A transcribable verbatim record must be kept for land use hearings as required by Idaho Code [§67-65](#).

Executive Session Minutes

If a matter meets criteria for executive session under one of the statutory exceptions (Idaho Code [§ 74-206](#)), the meeting may may close.

Minutes for executive sessions must include the legal basis and purpose—while protecting privileged details. Minutes for executive (closed) sessions must:

- Cite the specific statutory subsection authorizing the executive session.
- Provide enough detail to identify the purpose and topic.
- Omit details that would compromise the intent of the executive session.

Record Materials

Originals or accurate duplicates of record materials shall be maintained in conformance with Idaho Code [§ 50-907](#) and the City’s Record Retention Schedule.

The original application exhibit or exhibit accompanying public testimony may be returned upon written request provided that the city is able to adequately copy or scan the materials for the record.

City Council and Planning and Zoning Commission, and Alcohol Review Committee

Establishment

City Council is an elected board.

The committees are appointed by the Mayor and confirmed by the City Council.

Basic Parliamentary Procedure

A basic parliamentary procedure shall be followed.

- No actions shall take place without a quorum. A “quorum” is a majority of the body, which is one-half plus one ($1/2 + 1$) of its members. The disclosure of a conflict does not affect the authority of a member to be counted for purposes of a quorum.
- Remarks shall be directed through the person presiding over the meeting/hearing.
- Only one (1) main motion should be considered at a time, and only one (1) member at a time should speak.
- No person may speak at a public hearing until recognized by the presiding officer.
- A majority vote decides a question.
- The only way to bring up the same question again at the same meeting is by moving to reconsider the vote on the same motion.

Location

Meetings are held in person. Remote attendance, representation, or testimony may be allowed at the discretion of the meeting presider when requested in advance or when circumstances justify remote participation and it will not impede the conduct of the meeting.

The Presiding Officer Responsibilities

- The Mayor will act as the presiding officer for Council meetings. In the Mayor’s absence the Council president shall preside over the meeting.
- Mayor may appoint a presiding officer for other boards and committees. In the absence of the presiding officer, or chairman, the vice chair shall act as the presiding officer.
- The presiding officer shall:
 - Verify if any voting member has a conflict of interest.
 - Open the meeting and call it to order; announce agenda business in proper sequence; recognize members entitled to the floor.
 - Rule out-of-order motions; protect the body from frivolous, repetitive, or delaying motions; enforce public hearing rules and maintain order.

- Ensure deliberation and decisions address all disputed facts; recall staff or experts to clarify as needed.
- Ensure questions raised by the public are addressed by the applicant during rebuttal or by staff/experts.
- Make the ultimate decision on questions of order, manage audience, conduct meeting/hearing consistent with law and city policy.
- Request a roll call when a voice vote is in doubt.

Role of Members

Members shall:

- Recuse themselves if they have a conflict of interest per Idaho Code 59-7. Conflicts of interest include the member, their business partner or associate, or any person related by affinity or consanguinity within the second degree with an economic interest in the procedure or action. Conflicted members shall not participate in the consideration or deliberation of the matter in any capacity and must leave the room during the hearing.
- Remain unbiased and without prejudice on quasi-judicial matters. Members shall recuse themselves if there is a bias or prejudice against the matter, the applicant or applicant's representative, or has personal knowledge of disputed evidentiary facts that might reasonably affect the member's impartiality.
- Disclose any communications outside of the record.
- Address remarks through the presiding officer
- Be prepared to introduce and second motions; be prepared to vote (members cannot be forced to vote).
- To the extent possible, decision makers should address their questions to the person speaking such as applicant, staff, or member of the public at the time that they are addressing the body. Otherwise, the members may request that the presider of the meeting recall individuals.
- Provide clear, reasoned statements addressing all areas of dispute for the record. For land use denial motions, specify what changes could lead to approval.

Other Permanent Boards and Committees

Library Board meetings are governed by policies set by the Library Trustees, Idaho Code 33-2607, and Open Meeting Law Idaho Code 74-2.

Other permanent Boards and Committees

- Agendas and minutes are required as required by Open Meeting Law [Open Meeting Law Idaho Code 74-2](#); they shall be retained per the city's adopted record schedule.
- Meetings may be in person or virtual.
- The meetings are open to the public; however, public may not have the right to speak if not specified as a matter on the agenda for public comment.
- The use of parliamentary procedure is not required.
- In the absence of a designated member of the committee to preside over the meeting, staff may preside over the meeting.

Temporary Committees

- If the committee is created by statute, ordinance, or executive order to make recommendations they follow [Open Meeting Law Idaho Code 74-2](#). Meetings may be in person or virtual. Agendas and minutes are required as required by [Open Meeting Law Idaho Code 74-2](#); they shall be retained per the city's adopted record schedule.
- The meetings may be open to the public; however, public may not have the right to speak if not specified as a matter on the agenda for public comment.
- The use of parliamentary procedure is not required.
- In the absence of a designated member of the committee to preside over the meeting, staff may preside over the meeting.

CHAPTER 2 LAND USE APPLICATIONS

Administrative with Notice Application Noticing: Design Review, Minor Land Division, non-conforming set-back extensions

Design Review applications administrative with notice, Minor Land Divisions, and requests to extend non-conforming setbacks are processed as Administrative with Notice Applications per Garden City Code [§ 8-6A, Administration, General Provisions](#).

Initial Application

The applicant must submit a complete initial application package for City staff review. Once received, staff will assign an application number and provide a list of properties within a 300' radius of the subject property, along with the required neighborhood notice templates. All initial fees must be paid at the time of submittal.

Neighborhood Meeting

After the City provides the information and documents listed above, the applicant must hold a neighborhood meeting. The purpose of this meeting is to present the project's plans, explain how the public can participate in the process, clarify the public's rights to object or appeal the application, and provide an opportunity for questions and feedback.

Hosting the Neighborhood Meeting

The meeting must be held on a weekday (Monday through Friday) between 5:30 P.M. and 8:00 P.M., and it must occur no later than six (6) months after the submittal of an application. Regardless of attendance, the neighborhood meeting must last at least thirty (30) minutes.

Neighborhood Meeting Notice

The applicant must notice all property owners of record within 300' of the project and the city **postmarked at least seventeen (17) calendar days in advance of the neighborhood meeting.**

The City will provide a standardized notice letter template which includes:

- How to submit written comments
- Process to appeal
- Required findings

The applicant shall be responsible for providing the additional information in the notice letter:

- Date of notice
- File number
- Applicant contact information
- Time, date, and location of the meeting
- Project summary
- The applicant may, at their discretion, include renderings, visual exhibits, or other supplemental materials with the mailed notice.

When mailed notice is required of two hundred (200) or more property owners, *in lieu* of mailed notice alternate forms of notice may be provided.

Alternative Forms of Notice

Alternate Forms of Notice: When mailed notice is required of two hundred (200) or more property owners, *in lieu* of mailed notice, or when there is more than one property where the properties are not adjacent to one another, such as a city-wide rezoning of multiple properties, *in lieu* of property posting alternate forms of notice may be provided as follows:

- Public Notice; and
- PSA; and
- Legal Advertisement

Public Notice

Posting an easily seen and legible notice of the time and place, and a summary of the application in at least three (3) conspicuous locations within the city. This must be posted seventeen (17) days or more prior to the neighborhood meeting.

Public Service Announcement

At least seventeen (17) days prior to the neighborhood meeting, the applicant shall provide a public notice to media types including newspapers, radio and television stations serving the city for their use as a public service announcement.

Notice will also be provided to be placed on the city's social media platforms. The notice shall be provided to the city no less than four (4) business days prior to the date that the notice is required to run.

Legal Advertisement

At least seventeen (17) days prior to the neighborhood meeting, the applicant shall publish a public notice of the time, place, and description of the application in the official newspaper of general circulation. When the legal advertisement is utilized as an alternative form of notice, the advertisement must be at least four inches (4") and two (2") columns in size.

Neighborhood Meeting Property Posting

The applicant must post the subject property **at least seventeen (17) days before the neighborhood meeting**¹. The image below provides an illustration of the property posting requirements:



Visual of Property Posting Sign

Sign Size, Color, and Material

The background of the sign shall be painted white.

The notice(s) shall consist of a four-foot by four-foot (4' x 4') sheet of plywood or other solid surface.

The sign shall be constructed of materials that can withstand weather conditions.

¹ Before is interpreted to mean the day preceding the meeting.

Content

Each notice shall include:

- The application's assigned file number
- Meeting date, time, and address
- A summary of the proposal to be considered
- Application address(es)
- Applicant's contact information
- City contact: planning@gardencityidaho.org.

Text

All text on the notice shall be black.

The minimum text size and formatting requirements are as follows:

- Centered at the top of the sign, in letters not less than six inches (6") in height, in all capital letters, and in **BOLD** letters shall be the text "**NEIGHBORHOOD MEETING NOTICE**".
- The date of the meeting shall be printed in letters not less than four inches (4") in height and in **BOLD** letters. Use the following date format:
 - Day of the week, Month, Day, Year. Example: **Tuesday, January 15, 2026**
- The remainder of the notice shall be in two-inch (2") letters.

Location

The sign shall be placed as follows:

- On the subject property;
- At least three feet (3') above the ground;
- Perpendicular to the adjacent street so that the text is clearly visible from each abutting street in both directions of travel. If a singular sign is utilized, the notice(s) must be double-sided so it's visible from both directions; and
- On lots with one thousand feet (1,000') or more of frontage, two notices shall be posted.

Removing the Sign

The sign shall be removed within three (3) days following the neighborhood meeting.

Minimum Neighborhood Meeting Materials

The following materials shall be provided at the neighborhood meeting to ensure an accurate representation of the proposal and to facilitate meaningful public participation:

Applicant Attendance

An individual must be present who is capable of providing a presentation or otherwise clearly articulate the proposal and answer questions.

Documentation

Materials shall minimally include:

- Site Layout depicting the overall configuration of the proposed application.
- Non-conforming setback information, including the location and extent of any proposed non-conforming setbacks (if applicable).
- Proposed lot line locations (if applicable).
- Architectural renderings for any proposed structures, to include at minimum:
 - Height; and
 - Architectural design.
- A sign-in sheet shall be provided for public use and shall minimally include fields for:
 - First and last name;
 - Address (number and street name), city, and ZIP code;
 - Email address; and
 - Whether the attendee wishes to become an “Interested Party” (Yes/No)

Required Proof of the Neighborhood Meeting

The following materials shall be submitted as proof that the neighborhood meeting and property posting occurred:

- Affidavit of Neighborhood Meeting and Property Posting (on the form provided by the city).
- Photos of the posted sign on the property.
- Copy of the list of those who were sent notice.
- Copy of the neighborhood meeting notice letter.
- The completed sign-in sheet. If no members of the public were in attendance, this shall be noted on the sign-in sheet.
- List of discussion points from the meeting (or a note indicating the lack thereof if no one was in attendance).

Public Comment

For seventeen (17) days after the neighborhood meeting, the City will accept written public comments for inclusion in the official record. These comments are reviewed by the Planning Official and the Design Review Consultants as part of the application evaluation process. Public comments may assist in refining the project to ensure greater cohesion with the surrounding neighborhood.

The following standards outline how written comment shall be submitted and presented to ensure that all comments are properly recorded and considered:

- Comments shall be submitted to the Development Services Department **no later** than seventeen (17) days after the neighborhood meeting.
- Comments shall be in writing and may include exhibits.
- Comments shall include the submitter's:
 - Full name,
 - Address, and
 - Signature.
- Comments must specifically address the application. Matters outside of the subject application cannot be considered.
- Comments shall not contain personally derogatory remarks.
- Comments shall be sufficiently detailed to identify specific deficiencies related to the code or the required findings. **This is essential because appeals are limited to matters contained within the official record.**

If written testimony or exhibits fail to comply with these standards, the decision-making body may declare such comments inadmissible.

Agency (Political Subdivisions with Jurisdiction) Notice

The city will provide notification to all agencies, departments, and political subdivisions with jurisdiction that provide services within the City. Such notice will be sent at least seventeen (17) days prior to an administrative decision that requires notices, per Garden City Code [§ 8-6A Development Code, Administration, General Provisions](#). The notice will include access to the application and all documents submitted for review.

Interested Parties

Interested parties will be notified by email. It is important that those who wish to be an interested party provide a valid email address that is reviewed regularly.

The city will provide all interested parties with notice of the decision and the process to appeal.

Public Hearing

In instances that a public hearing is required consistent with Garden City Code [§ 8-6A Development Code, Administration, General Provisions](#), the application shall be noticed as a *de novo* hearing. The Neighborhood Meeting and Agency Notice will not be required to be noticed again unless there have been substantial changes since the initial meeting and notice.

Land Use, *De Novo* Public Hearing

Title 8 Code Amendments, Comprehensive Plan Amendments, Conditional Use Permits, Planned Unit Developments, Specific Area Plans, Subdivisions, Variances, Zoning Map Amendments, and, at times, Design Review, Minor Land Divisions, and non-conforming setback extensions are processed as *de novo* public hearing applications pursuant to [§ 8-6A Development Code, Administration, General Provisions](#).

Noticing

When public noticing is required by law or ordinance, the City shall comply with the noticing and hearing procedures established by applicable State Statute or City Code. The City may, at its discretion, provide additional noticing beyond what is legally required.

The following section outlines the noticing requirements set forth in Garden City's Code for these applications. Not all types of applications will require all types of noticing. The types of noticing shall be provided as required by [§ 8-6A Development Code, Administration, General Provisions](#).

Neighborhood Meeting for Public Hearing

Neighborhood Meeting Request

The applicant must submit a request to the City for a list of properties within a 300' radius of the subject property. Once received, staff will assign an application number, the list of properties within a 300' radius of the subject property, and the required neighborhood notice templates. All initial fees must be paid at the time of submittal.

After the City provides the information and documents listed above, the applicant must hold a neighborhood meeting. The purpose of this meeting is to present the project's plans, explain how the public can participate in the process, and provide an opportunity for questions and feedback. The neighborhood meeting must be held prior to the application being submitted to the City.

Hosting the Neighborhood Meeting

The meeting must be held on a weekday (Monday through Friday) between 5:30 P.M. and 8:00 P.M., and it must occur no later than six (6) months after the submittal of an application. The neighborhood meeting must last at least thirty (30) minutes.

Neighborhood Meeting Notice

The applicant shall notice the city and all property owners of record within 300' of the project via first class mail **postmarked at least seventeen (17) days in advance of the neighborhood meeting.**

The applicant shall utilize the city provided letter template for ease of compliance. The notice must also include:

- Date of notice
- Time, date, and location of the meeting
- Project summary
- Applicant's contact information

The applicant may, at their discretion, provide renderings, visual exhibits, or other supplemental materials as part of the mailing notice.

When mailed notice is required of two hundred (200) or more property owners, *in lieu* of mailed notice alternate forms of notice may be provided.

Minimum Neighborhood Meeting Materials

The following materials shall be provided at the neighborhood meeting to ensure an accurate representation of the proposal and to facilitate meaningful public participation.

Applicant Attendance

An individual must be present who is capable of providing a presentation or otherwise clearly articulate the proposal and answer questions.

Documentation

Materials shall minimally include:

- Explanation of the application.
- Site layout depicting the overall configuration of the proposed application (if applicable)
- Architectural renderings for any proposed structures (if applicable), to include at minimum:
 - Height; and
 - Architectural design.
- Proposed lot line locations (if applicable)
- A sign-in sheet shall be provided for public use and shall minimally include fields for:
 - First and last name;
 - Address (number and street name), city, and ZIP code;
 - Email address; and

- Whether the attendees wish to be notified of significant changes to the applicant and the decision “Interested Party” (Yes/No)

Required Proof of the Neighborhood Meeting

The following materials shall be submitted as proof that the neighborhood meeting has occurred:

- Affidavit of neighborhood meeting (on the form provided by the city).
- Copy of the 300' radius notice list.
- Copy of the neighborhood meeting notice letter.
- Neighborhood meeting sign-in sheet.
- The completed sign-in sheet. If no members of the public were in attendance, this shall be noted on the sign-in sheet.
- List of discussion points from the meeting. (Or a note indicating the lack thereof if no one was in attendance.)

Applicant/Appellant/ Respondent Notice

The city will provide written notice of the time and place of hearings, appeals, or council review by sending notice to the applicant, appellant, and respondent.

Agency (Political Subdivisions with Jurisdiction) Notice

The city will provide notification to all agencies, departments, and political subdivisions with jurisdiction that provide services within the City. Such notice will be sent at least seventeen (17) days prior to the public hearing. The notice will include access to the application and associated application documents.

Interested Parties

Interested parties will be notified by email. It is important that those who wish to be an interested party provide a valid email address that is reviewed regularly.

The city will provide all interested parties with a notice of the decision and the process for those with standing to appeal.

Radius Notice

At least seventeen (17) days prior to the scheduled public hearing, the City shall provide notice by mail to all property owners or purchasers of record, as identified in the current records of the Ada County Assessor, who own property within three hundred feet (300') of the boundaries of the subject property. The notice shall include the time and place of the hearing or decision and a summary of the application under consideration.

The City may provide mailed notice to additional property owners beyond the three-hundred-foot (300') radius when the nature of the proposal is expected to generate substantial impacts outside the standard notification boundary.

Alternative Forms of Notice

Alternate Forms of Notice: When mailed notice is required of two hundred (200) or more property owners, *in lieu* of mailed notice, or when there is more than one property where the properties are not adjacent to one another, such as a city-wide rezone, *in lieu* of property posting alternate forms of notice may be provided as follows:

- Public Notice; and
- PSA; and
- Legal Advertisement²

Public Notice

Posting an easily seen and legible notice of the time and place, and a summary of the application in at least three (3) conspicuous locations within the city. This must be posted seventeen (17) calendar days or more prior to the public hearing.

Public Service Announcement

At least seventeen (17) days prior to the public hearing, the city shall provide a public notice to media types including newspapers, radio and television stations serving the city for their use as a public service announcement. Notice will also be provided on the city's social media.

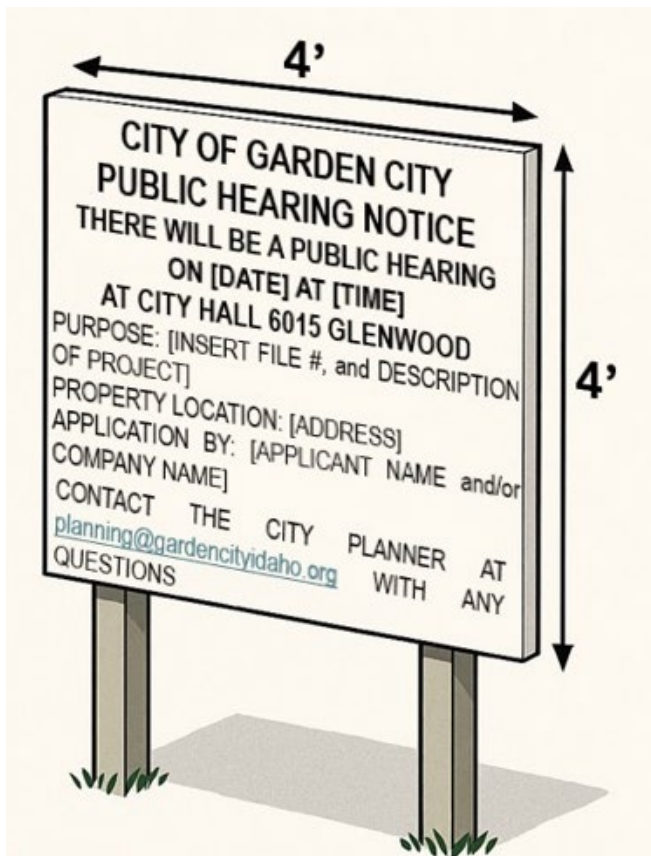
Legal Advertisement

At least fifteen (15) days prior to the public hearing, the city shall publish a public notice of the time, place, and description of the application in the official newspaper of general circulation. When the legal advertisement is utilized as an alternative form of notice, the advertisement must be at least four inches (4") and two (2") columns in size.

Public Hearing Property Posting

The **applicant** must post the subject property **at least seventeen (17) days before the public hearing**. The image below provides an illustration of the property posting requirements:

² If Garden City Code requires a legal notice, and *in lieu* noticing is utilized, only one legal notice shall be required.



Visual of Property Posting Sign

Sign Size, Color, and Material

The background of the sign shall be painted white.

The notice(s) shall consist of a four-foot by four-foot (4' x 4') sheet of plywood or other solid surface.

The sign shall be constructed of materials that can withstand weather conditions.

Text and Content

All text on the notice shall be black.

Each notice shall include:

- The date, time, and address of the meeting or hearing
- The application's assigned file number
- A summary of the proposal to be considered
- Property address(es)
- Applicant's contact information
- City contact: planning@gardencityidaho.org.

The minimum text size and formatting requirements are as follows:

- Centered at the top of the sign, in letters not less than six inches (6”) in height, in all capital letters, and in **BOLD** letters, shall be the text “**CITY OF GARDEN CITY PUBLIC HEARING NOTICE**”.
- The date of the hearing shall follow below, printed in all capital letters not less than four inches (4”) in height and in **BOLD** letters. The text shall say “**THERE WILL BE A PUBLIC HEARING ON [DATE] AT [TIME] AT CITY HALL 6015 GLENWOOD**”.
- The remainder of the notice shall be in two-inch (2”) letters.

Location

The sign shall be placed as follows:

- On the subject property;
- At least three feet (3') above the ground;
- Perpendicular to the adjacent street so that the text is clearly visible from each abutting street **in both directions** of travel. If a singular sign is utilized, the notice(s) must be double-sided so it's visible from both directions; and
- On lots with one thousand feet (1,000') or more of frontage, two notices shall be posted.

Providing Proof of Property Posting

The applicant is required to provide proof of property posting **at least nine 9 days before the public hearing**. The following materials shall be submitted as proof that the property posting occurred in a timely manner:

- Affidavit of Property Posting (on the form provided by the city).
- Photos of the posted sign on the property.

Sign Removal

The sign shall be removed within three (3) days following the public hearing.

Procedural Order for Public Hearing

The following procedural order, presented in sequential steps, ensures that public hearings are conducted in a fair, organized, and transparent manner, providing all participants with an opportunity to present and respond to information before a decision is made. The presiding officer may amend this order.

1. Brief introduction of the subject of the hearing by the person presiding over the hearing.
2. Presentation by applicant (or staff if city initiated, in which case the applicant presentation and staff report will be combined).
3. City staff report.
4. Public Testimony.
5. Rebuttal testimony from applicant. If new facts, or evidence are elicited, staff and the public must be given an opportunity to respond to the new facts.
6. Close Public Hearing.
7. Discussion of hearing subject among governing board members. The decision makers may recall city staff, the applicant, or experts during this period to respond to questions. Any procedural rules requiring a motion prior to discussion are hereby suspended for purposes of such discussion.
8. Decision.

Application Materials

All required application documents must be submitted at the time of the initial application submittal. Applicants may, at times, wish to submit revised materials in response to staff review or public comment prior to the scheduled hearing. Any revised application materials must be submitted with sufficient time for processing and analysis. Failure to submit revised materials in a timely manner may result in a delay in the hearing.

Public Testimony

Public testimony is a vital component of the decision-making process, ensuring transparency, fairness, and community participation. The following standards outline how written and oral testimony must be submitted and presented so that all comments are properly recorded and considered. These procedures are designed to maintain order, protect due process rights, and provide equal opportunity for all interested parties to contribute to the public hearing. Moreover, individuals wishing to appeal an application that is subject to public hearing procedures, they must first

have provided testimony either via written comment or oral testimony at one or more of the public hearings regarding the matter.

Written Comment

Written comment must be submitted directly to the Development Services Department in a timely manner either via planning@gardencityidaho.org; or mail (Garden City Hall 6015 Glenwood Street, Garden City Idaho 83714); or in the future if there is a specified online submittal. Testimony submitted to decision-makers or other departments, including the legal department, will not be included in the record unless the decision-making body specifically directs that it is included.

Due to the number of interested parties, staff may not be able to meet individually with every person regarding an application. Questions included in written comment do not guarantee a response from the city. Individuals seeking clarification may contact the applicant directly if details are not provided in the record materials. Testimony will be posted online for verification of receipt.

Written comments and accompanying exhibits shall be submitted to the Development Services Department and comply with the following standards:

- Written comments must include the submitter's full name, signature, and address.
- Written comments must address the issue at hand. Matters outside of the subject application cannot be considered.
- Written comments shall not contain personally derogatory remarks.
- Written comments and exhibits shall be submitted at least nine (9) working days prior to the date of the public hearing. This timeframe allows staff to incorporate comments into the record, staff report, and draft potential decisions, and to provide the record to decision-makers in a timely manner. In cases of significant public comment, this timeframe may be extended. If comments are submitted after the deadline, the person may read their comments into the record during the public hearing, provided they can do so within the allotted time.

If written comments or exhibits fail to comply with these standards, the decision-making body may declare such testimony inadmissible.

Oral Testimony and Presentations

The decision maker shall hear public testimony from all affected persons wishing to provide, present, or rebut evidence at the *initial* duly noticed public hearing. The final decision maker shall consider the record and report of the recommending body and may or may not elect to hear additional testimony of representatives of

the applicant and any witnesses, including interested citizens affected by the proposed application.

Time Limits

The individual presiding over the hearing may adjust the default time frames and order of proceedings, provided that due process rights are preserved. If any governing board member disagrees with a procedural ruling, the governing board may, by majority vote of members present, suspend, or amend one or more of these rules, so long as due process rights remain protected.

At the commencement of the public hearing, the presiding officer (typically the Chairperson or Mayor) may establish time limits for all speakers. The default time limits are as follows:

- Applicant presentation: as needed, with a targeted goal of fifteen (15) minutes or less.
- Staff report: as needed, with a targeted goal of fifteen (15) minutes or less.
- Individual testimony: three (3) minutes or less per person.
- Preauthorized spokesperson testimony: three (3) minutes per person represented, with a maximum of fifteen (15) minutes. Individuals represented by a spokesperson must sign the spokesperson form provided by the City and may not provide additional testimony.
- Applicant rebuttal: as needed, with a targeted goal of ten (10) minutes or less.

Presentation Standards

The following standards apply to presentations by the applicant and the applicant's representatives, as well as to staff and expert reports:

- Presentations shall directly address the subject at hand.
- Presentations shall not contain personally derogatory remarks.
- Presenters shall make a good-faith effort to comply with any time limits established for the hearing.
- All public hearing proceedings shall be recorded electronically. All individuals speaking shall use a microphone to ensure complete and accurate recording.

If a presentation fails to comply with these standards, the presiding officer may declare the presentation out of order and require it to cease.

Testimony Standards

Discussions with staff or other city officials outside of the public hearing do not constitute oral testimony, and will not be considered a part of the record.

The following standards are required of oral testimony:

- No person shall testify unless they have signed their name and provided their contact address on the sign-up sheet provided by the city. This requirement does not apply to the board, staff, or the applicant.
- Anyone intending to appear as a representative of a group must submit the approved spokesperson form to the Development Services Department at least nine (9) days prior to the hearing. This form must include the signatures of those whom they will be representing.
- Each person is limited to testifying one time during the hearing. Those who represent a group may not testify individually or be represented by another spokesperson.
- Testimony shall directly address the subject at hand. Matters outside of the subject application cannot be considered.
- Testimony should not be repetitious of other entries in the record.
- Testimony shall not contain personally derogatory remarks.
- Testimony shall comply with time restrictions established by the hearing agency.
- All public hearing proceedings shall be recorded electronically. All people speaking shall use a microphone to ensure complete and accurate recording.
- Exhibits provided at the hearing may not be included in the record if decision makers do not have adequate time to review the exhibit within the allotted oral testimony time.

If oral testimony fails to comply with these standards, the presiding officer may declare such testimony out of order and require it to cease.

CHAPTER 3 POST-DECISION REVIEWS

Following a land use decision, three types of review that may occur:

- Council-Initiated Review
- Appeal
- Reconsideration

Quick Reference Guide

Topic	Council-Initiated Review	Appeal	Reconsideration
Who initiates	City Council	Person with standing. Administrative with Administrative with Notice applications do not require previous testimony. Appellant must be the applicant, applicant's representative, subject property owner or a person who previously provided testimony when there has been a public hearing.	Person with standing who has otherwise exhausted due process.
Deadline To Initiate	Next regularly scheduled Council Meeting	15 calendar days	14 calendar days
Standard of review	Free Review (not bound by prior decision)	Abuse of discretion (an error in the decision)	Abuse of discretion (an error in the decision)
Record	Closed record (no new evidence or testimony allowed)		
Decision criteria (GCC Table 8-6A-3)	Final Decision with Recommendation	Appeal/Reconsideration	Appeal/Reconsideration

Council-Initiated Review

A Council Initiated Review is a review initiated by the City Council of a Decision that would otherwise be a final decision.

Initiation

At the **next regularly scheduled meeting post a decision**, Council is notified via the consent agenda of all:

- Administrative with Notice decisions
- Planning and Zoning Commission decisions

Council must take action in an open meeting to initiate review if it determines the decision may significantly impact the City (e.g., safety, service delivery, legal risk, etc.).

Process

- The Council may initiate review during the open meeting via a majority vote.
- If Council initiates a review, the matter will be scheduled for a date certain (typically the next meeting).
- Council conducts review during the scheduled review.

Scope of Review

Free review Standard of Review: Not bound by the prior decision.

Closed record: No new evidence or testimony is permitted.

Decision Criteria

The decision and grounds for decision shall be consistent with **GCC Table 8-6A-3** Final Decision with Recommendation.

Appeals

Eligibility and Timing

- May be filed by any person with standing.
- Must be submitted within **15 calendar days** of the decision

Filing Requirements

The appellant shall submit a written appeal that includes:

- A clear statement of the alleged error(s) in the decision
- Citation to applicable code provisions supporting the claim
- Specific citations to the record (including page numbers)
- Proposed alternative findings

Process

- The City notifies the appellant and applicant, if different.

- A respondent, if any, may submit a written response within a timeframe designated by staff (typically within two weeks of the notification).
- The appellant may submit a rebuttal within a timeframe designated by staff (typically within two weeks of the response)
- Staff reviews the submissions for timeliness and ensures no new evidence is introduced.
- Staff prepares a procedural memorandum
- An appeal hearing is scheduled and notice is provided. The city will also notify interested parties via email of the appeal, although they will not be able to provide evidence or testimony unless they are the appellant, applicant, or property owner.

Scope of Review

Abuse of Discretion Standard of Review: The review standard is limited to whether there is an error in the decision.

Closed record: No new evidence or testimony is permitted.

Hearing Limitations

- The appeal body deliberates only on matters within the record.
- No oral argument is permitted by parties, unless stipulated to by all parties
- Appellant(s) and respondent(s) are to be present to respond to questions if requested.

Decision Criteria

- Decisions shall be based on the criteria for appeals and reconsiderations in GCC Table 8-6A-3.

Consolidation with Council-Initiated Review

If an appeal and Council-initiated review apply to the same application:

- The matters shall be heard together.
- The process will follow Council-initiated review procedures.
- Appeal materials (including responses and rebuttals) are incorporated into the record.

Reconsideration

Reconsideration is a required administrative step prior to seeking judicial review of a final land use decision, consistent with Idaho Code § 67-6535. Pursuant to Idaho Code § 67-6535(2)(b), any applicant or affected person seeking judicial review must first submit a request for reconsideration. A decision shall not be deemed final for purposes of judicial review until this process has been completed.

Eligibility and Timing

- May be filed by any person with standing.
- Must be submitted within **14 calendar days** of the decision

Filing Requirements

A request for reconsideration shall be submitted in writing to the Development Services Department and shall include:

- Identification of specific deficiencies or alleged errors in the decision

Process

- Staff reviews the request for timeliness and procedural compliance
- Staff prepares a procedural memorandum for the City Council
- Council considers whether to grant reconsideration

If reconsideration is not granted:

- Council is not required to take further action if no error is identified
- If Council does not issue a written decision within sixty (60) days of receipt, the request is deemed denied

If reconsideration is granted:

- The motion shall include:
 - A statement that Council will reconsider the merits of the decision
 - A date certain for reconsideration (typically the next meeting)
- Council may also clarify or correct non-substantive errors without granting reconsideration

Scope of Review

Abuse of Discretion Standard of Review: The review standard is limited to whether there is an error in the decision.

Closed record: No new evidence or testimony is permitted.

Decision Criteria

- Decisions shall be based on the criteria for appeals and reconsiderations in GCC Table 8-6A-3.

Final Action and Judicial Review

- The twenty-eight (28) day period for filing judicial review is tolled until:
 - The date of the written decision on reconsideration, or
 - The expiration of the sixty (60) day reconsideration period, whichever occurs first

CHAPTER 4 ALCOHOL REVIEW COMMITTEE (ARC)

1. The city, upon receiving a suspension/revocation recommendation from the Alcohol Control Committee (ARC), shall route the recommendation to the city clerk to conduct a hearing within 60 days of appointment.
2. Notice shall be provided to the ARC designee and the license holder by the city clerk of the hearing date, time, and location along with these procedural rules. This notice shall be served upon the licensee by leaving a copy at the licensed premises or by the city clerk mailing the notice by certified mail to the licensee at the licensed premises.
3. The City Clerk shall be empowered to manage the scheduling and process for the hearing, to include the following:
 - a. The appellant/licensee may appear in person, and may appear with legal counsel, to present their position.
 - b. The hearing will be conducted in an informal manner, and rules of evidence and civil procedure do not apply. Each party shall have up to 15 minutes to present their arguments and exhibits, if any.
 - c. Each party may call any witnesses that they believe possess relevant information, and the other party may cross examine the witness.
 - d. The ARC designee and the license holder shall exchange with each other a list of their proposed witnesses with contact information, as well as a complete copy of any exhibits that they will present to the city clerk in support of their position no less than five business days before the hearing. An extra copy shall be provided by each party for the city clerk and delivered at the hearing. A failure to abide by this requirement will lead to the exclusion of the exhibit or witness at the hearing. The city clerk retains the authority to control the admission or exclusion of evidence that is cumulative, irrelevant, or improper for any other purpose.
 - e. At the conclusion of the hearing, the city clerk shall prepare within ten days a written recommendation to the city council with a recommended decision, and a reasoned statement that explains the basis for the recommendation based on the evidence presented at the hearing.
 - f. The city council shall place the recommendation upon the next city council meeting for its review and a written final order on the recommendation of suspension/revocation. The city council will approve the recommendation unless there is clear error in the

process set forth in this policy. If clear error is found, the matter may be remanded back to the city clerk with specific direction.

- g. The license holder shall be provided a written copy of the final order once issued by the city council. The effective date of the council action shall be set forth by the city council and included in the notice to the license holder.
- h. Upon a written decision an appellee shall have the right to file an appeal for fourteen (14) days after the date³.

CHAPTER 5 ALCOHOL REVIEW COMMITTEE (ARC) APPEAL/ RECONSIDERATION

1. The council, upon receiving a written appeal for a license violation determination, shall conduct a hearing within 30 days of receipt of the appeal. The notice of the hearing date and time shall be served upon the licensee by leaving a copy at the licensed premises or by the city clerk mailing the notice by certified mail to the licensee at the licensed premises.
2. The appellant/licensee may appear in person, and may appear with legal counsel, to present their position. Although the hearing will be conducted in an informal manner, the hearing will be recorded as part of the city council's normal public hearing process. The mayor shall preside over the hearing. The rules of evidence shall not apply, except the mayor may exclude evidence which is irrelevant or repetitious.
3. As a supplement to appeal documents provided, each party is entitled to ten minutes to present their position, starting with the representative from the alcohol review committee, followed by the appellant. Any new documentation provided by either party at the hearing will become part of the record. The council may ask questions of either party, but the parties will not ask questions of each other or of the council.
4. At the end of each side's ten-minute presentation the council shall deliberate and vote to either (i) affirm the decision of the ARC, (ii) overturn it, or (iii) make any alteration to either the assessment of points, or to the consequences imposed for such an assessment, as the council deems appropriate in light of all evidence and circumstances presented.
5. The council shall make written findings of facts and conclusions of law within 45 calendar days of the hearing. Such findings shall be based upon competent and substantial evidence contained in the hearing record.
6. A copy of the council decision, findings of fact, and conclusions of law shall be delivered by the city clerk to the licensee by certified mail. Any revocation/suspension imposed by said written findings of facts and conclusion of law shall be effective on the date set forth within the decision.

CHAPTER 6 DEFINITIONS

APPELLANT: The party or petitioner who initiates an appeal or files a notice of appeal.

APPLICANT: An individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes an application. The applicant need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

INTERESTED PARTY: A person who has notified the city that they are interested in a particular application.

NEIGHBORHOOD MEETING: A meeting that the applicant hosts. The intent of the meeting is to encourage dialog between those with concerns and the applicant so that the application can potentially be refined prior to city review.

NEIGHBORHOOD MEETING MAILING NOTICE: A mailed notice provided by an applicant to property owners of record within three hundred feet (300') of the subject property for the purpose of informing nearby residents and stakeholders of a required neighborhood meeting and the opportunity to participate early in the review process.

RADIUS NOTICE: A mailed notice provided by the City to property owners or purchasers of record within three hundred feet (300') of the subject property for the purpose of notifying affected persons of a duly scheduled public hearing or decision.

RESPONDENT: The adverse party not initially seeking affirmative relief in cases presented in an appeal.

CHAPTER 7 INTERPRETATIONS

TIME COMPUTATION

Days: All time periods “days” described in this policy are measured in calendar days, unless expressly stated otherwise. “Calendar day” includes weekends and legal holidays. When a requirement states that an action must occur “X days prior or in advance to” an event, the action must occur at least that number of full days before the event, not including the day of the event. When a requirement states that an action must occur “X days after” an event, the action must occur at least that number of full days after the event, not including the day of the event.

Electronic submissions and property postings are considered filed until 11:59 p.m. local time. Physical submissions are considered filed until the scheduled close of business for the relevant office.