
ZONING & PLANNING - IDAHO

North West Neighborhood Association v. City of Boise

Supreme Court of Idaho, Boise, November 2022 Term - September 7, 2023 - P.3d - 2023 WL 5761372

Neighborhood association filed petition for judicial review of city council's approval of three interrelated land use applications.

The Fourth Judicial District Court affirmed, and association appealed.

The Supreme Court held that:

- City council's rezoning decision did not address project's failure to address fire service requirements of comprehensive plan or whether project was in the best interests of the public's general welfare;
- City council's failure to provide a reasoned statement explaining its decision when approving application for planned unit development required remand;
- Any errors by city council in failing to confine its review of planned unit development to evidence presented to the planning and zoning commission and in deferring its hearing to give the project applicants the opportunity to submit a revised application did not prejudice neighborhood association; and
- Neighborhood association, although the prevailing party on appeal, was not entitled to an award of attorney's fees.

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