

BOISE, FRIDAY, OCTOBER 11, 2024, AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**VETERANS PARK NEIGHBORHOOD)
ASSOCIATION, INC., an incorporated Idaho)
nonprofit & registered neighborhood)
association of the City of Boise,)**

Petitioner-Appellant,)

v.)

**CITY OF BOISE, an Idaho municipal)
corporation,)**

Respondent-Respondent on Appeal,)

and)

**INTERFAITH SANCTUARY HOUSING)
SERVICES, INC.,)**

Intervenor-Respondent.)

Docket No. 51027

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Peter G. Barton and Cynthia Yee-Wallace, District Judges.

Ertz Law, PLLC, Boise, for Appellant.

Boise City Attorney's Office, Boise, for Respondent City of Boise.

Clark Wardle, LLP, Boise, for Intervenor-Respondent Interfaith Sanctuary Housing Services, Inc.

This case concerns the approval of a conditional use permit ("CUP") for Interfaith Sanctuary Housing Services, Inc. ("IFS") to operate a shelter home at 4306 West State Street in Boise. After the application was submitted, the City of Boise's Planning and Zoning Commission ("PZC") held four public hearings on the CUP, hearing extensive evidence and testimony on the matter. Veterans Park Neighborhood Association, Inc. ("VPNA"), a nonprofit and registered neighborhood association that consists of homeowners, business owners, and service providers from neighborhood in the direct vicinity of the proposed shelter, actively opposed the CUP application. The PZC considered large amounts of evidence and heard extensive testimony from interested parties and the general public. After such consideration, the PZC denied the CUP application.

IFS, supported by city planning staff, appealed the PZC's decision to the Boise City Council. VPNA continued to oppose the CUP on appeal. The City Council held five public hearings on the CUP, again considering extensive testimony and evidence. Ultimately, the City Council reversed the PZC's decision and granted the CUP with conditions. The City Council also issued a reasoned statement explaining its decision. VPNA filed a request for the City Council to reconsider its decision, which was denied.

Subsequently, VPNA filed a petition for judicial review. IFS filed an unopposed motion to intervene. The district court upheld the City Council's decision to grant the CUP with conditions. The district court also denied VPNA's motion to remand the proceedings to the City Council. VPNA timely appealed to this Court.

On appeal, VPNA argues that the City Council wrongfully granted the CUP. VPNA first argues that the City Council did not properly articulate the express standard by which it approved the CUP, in violation of the Local Land Use Planning Act ("LLUPA"). Second, VPNA argues that the City Council's decision to overturn the PZC's denial of the CUP was arbitrary and capricious and based on unlawful procedure. Third, VPNA asserts that the City Council's reasoned statement is inadequate under LLUPA. Fourth, VPNA maintains that the district court erred in denying its motion to remand the proceeding to the City Council. Fifth, VPNA argues that the City Council's error prejudiced VPNA's substantial rights. Finally, VPNA seeks attorney fees and costs.