

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	CPAFY2018-7, Res. 1061-19
)	
Garden City Comprehensive Plan)	
Amendment)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW;
)	AND DECISION
_____)	

THIS MATTER came before the Garden City Council for consideration on July 8, 2019 and July 22, 2019. The City Council reviewed the materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. Between November 7, 2018 and March 28, 2019 a Working Group consisting of a wide representation from Garden City residents, commerce, non-profit, and public agencies met nine times to evaluate and make recommendations of changes to the Garden City Comprehensive Plan. All meetings were open to the public.
2. A neighborhood meeting was noticed on February 11, 2019. The meeting was held on March 18, 2019 from 5:00 pm to 7:00 pm at Garden City Hall. There were 60 members of the public or affected public agencies in attendance.
3. During the neighborhood meeting on March 18, 2019 there were 13 comment cards submitted, as well as 930 stickers noting importance on identified goals and objectives, and 120 comments related to specific components of the working draft plan. Additional comments were received from A. Fogleman, J. Jackson Heim, P. Beaumont, S. Vader, and B. Taunton.
4. Work sessions were held with the Garden City Planning and Zoning Commission on March 20, 2019, with the Garden City Design Review Committee on March 18, 2019 and April 1, 2019 and with the City Council on May 9, 2019.
5. The amendments were noticed in accordance with Garden City Code 8-6A and Idaho Code § 67-6507.
 - a) A copy of the draft proposal was transmitted to interested and affected public agencies on March 22, 2019 and written comments were not received from any agency.
 - b) A Public Service Announcement (PSA) noting the time, place, summary of the plan, and a copy of the proposed changes were provided to interested parties, local television news stations, the Idaho Statesman as well as other

print news organizations and Home Owners Associations of record within Garden City on March 22, 2019.

- c) The Garden City Chamber of Commerce was notified on March 26, 2019. Agency notice provided on March 22, 2019.
- d) Notice of the meeting was posted at the Garden City Hall lobby, Garden City Library, and Garden City Police Department on March 22, 2019.
- e) Public hearing notices for the proposed application noting the time, place, and summary of the plan were published in the Idaho Statesman, the official newspaper of circulation for Garden City, on March 29, 2019.
- f) City Council hearing for July 8, 2019 was noticed by the following actions:
 - 1. On June 17, 2019 A Public Service Announcement was provided to all media types, a public notice was posed in the Garden City Library, in the Garden City Police Department, and in Garden City Hall.
 - 2. Interested parties were noticed on June 18, 2019.
 - 3. A legal add was advertised in the Idaho Statesman, the official newspaper of circulation for Garden City, on June 21, 2019.
 - 4. Notice was provided to all utility accounts in Garden City in the utility statement. Sent to third party processor on July 1, 2019.

6. The following statute applies to this proposal:

Standards	Compliant	Conclusions
Idaho Code § 67-6503 Local Land Use Planning		
Idaho Code § 67-6508 Local Land Use Planning	Yes	<p><i>There has been a comprehensive planning process conducted.</i></p> <p><i>The plan includes all land within the jurisdiction.</i></p> <p><i>The amendment considers conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable future situations for each planning component or specifies reasons why a particular component is unneeded. The elements considered include but are not limited to: property rights; population; School facilities and transport; economic development; land use; natural resources; hazardous areas; public services, facilities, and utilities; transportation; recreation; special areas or sites; housing; community design; agriculture;</i></p>

		<i>implementation; national interest electric transmission corridors; and public airport facilities.</i>
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7. The Garden City Design Review Committee reviewed the proposal on April 15, 2019 and recommended approval as drafted with changes.
8. The record contains:
 - a. Noticing documents:
 - i. Agency Review Transmittal
 - ii. Public Service Announcement
 - iii. Public Notice
 - iv. Legal Advertisement in Idaho Statesman
 - v. Interested Parties Notice
 - vi. Notice in Utility Bill
 - b. Minutes from:
 - i. Ad Hoc Committee meetings
 - ii. Design Review Committee work sessions March 18, 2019, and April 1, 2019
 - iii. Design Review hearing April 15, 2019
 - iv. Planning and Zoning Commission work session, March 20, 2019.
 - v. Planning and Zoning Commission hearing April 17, 2019
 - vi. City Council Work Session May 9, 2019
 - vii. City Council hearing July 8, 2019
 - c. Staff reports, and referenced materials
 - d. Agency Comments
 - e. Public Comments
 - f. Signed Findings of Fact, Conclusions of Law, and Decisions
9. The Planning and Zoning Commission held a public hearing on April 17, 2019 prior to making a recommendation to the governing board, City Council. During the public hearing:
 - i. Staff Jenah Thornborrow introduced the application.
 - ii. Diane Kushlan, consultant for Garden City, presented the application and the staff report. Centered on:
 1. 1.5.4 shouldn't be more general
 2. 4.1 keep parks district
 3. Future Planning Areas
 4. Definition of existing and green spaces- take out where feasible
 - iii. Public testimony was received from:
 - a. Jeanne Jackson-Heim- Greenbelt- 5.7.3, 5.7.4 taken out language priority for recreational uses and setbacks is important. The re-designation of the area north of Marigold Street is appropriate.
 - b. Wendy Carver-Herbert- Requested additions to respect existing neighborhoods in infill development; 5.1 neighborhoods bordering the river should be included in 5.1.2.; 5.4.1 systematic

look at stormwater management; 5.7.4 licensure of bicycles would unduly tax Garden City residents.

- c. Mike Jones- Maintain Plantation as open space.
 - d. Craig Quintana-asks that Plantation Golf Course be designated as open space to consider historic, wildlife, etc. The Future Planning Area is premature and would tip the scale to development.
 - e. Mike Nero-Concurs with Mr. Quintana.
 - f. Joanne Butler- Appreciates discussion from Ms. Kushlan that the Comprehensive Plan is an aspiration and a goal. Does not prevent a property owner from going through a master plan as identified in code. Reviewed written comments.
 - g. Don and Becky Petersen- Letters submitted.
 - h. Liz Paul- requests an amendment to text a “water trail” instead of a “safe rafting route”. Should think long and hard before considering a tubing stretch. Take out for boating at Westmoreland Park. Agrees with 5.3 including the opening of water systems and including BREN as specifically noted. 5.6.5 agrees with addressing wildlife.
 - i. Mary Jo Nyblad- Concurs with Mr. Quintana.
 - j. Tom Donahoe- Requests to maintain Plantation Country Club as is for future generations.
 - k. Bob Schmellick- Concurs with Mr. Quintana
 - l. Will Scott Moore- Concurs with Mr. Quintana and how the plan is written now. Asked how
 - m. Ken and Harriet Crist- agree
 - n. Bob Taunton, representing Glass Creek LLC- Explore opportunities for open space through master planning process; doesn't care what the designation is, but want to make sure that they can do a master plan for the golf course; State Street will cause some redevelopment of the property. Future Planning Areas include open space; it also includes a higher scrutiny by the City; the Land Use Designation is not open space on the proposal it is residential low density; could the public hearing be continued.
 - o. John Paulson- difference between the words modify and preservation. Do not rezone.
- iv. The Commission closed public testimony.
 - v. Commissioner Brown moved to recommend approval of the amended comprehensive plan including recommended changes identified by Design with the following amendment to the draft findings of fact, conclusions of law, and decision:
 - 1. Recommended wording “where feasible” on page 35 delete.
 - vi. Commissioner Brown Page seconded the motion.
 - vii. The motion passed 2/0.

10. The City Council held a public hearing on July 8, 2019. During the public hearing:

- i. Staff Jenah Thornborrow, presented the application and the staff report.
- ii. Public testimony was received from:
 - a. Those who testified or submitted written comments in favor of the application include: Bob Taunton, Wendy Carver-Herbert; Dale Herbert, Darla Rhude, Martha Howell, Kimberly Browning, Joann Butler, Mary Jo Nybland, Mike Nero, Hannah Ball, Christine Simon, Marcia Bleymaier, – Terry Loofbourrow,
 - b. Those who testified or submitted written comments that were neutral include: Mike Medberry, Jeanne Jackson-Heim, and Pierce Roan
- iii. The Council closed public testimony.
- iv. The Council indicated that the items discussed for change were not substantive in nature, however, they would like to review the changes discussed to ensure the draft accurately reflects the changes. The decision was deferred to a date certain of July 22, 2019.

11. (this is a placeholder for the proceedings and will be updated accordingly) The City Council reviewed the requested amendments from the July 8, 2019 hearing on July 22, 2019. They found that the amendments were not substantive. The hearing was not reopened.

- v. Staff Jenah Thornborrow, presented the application and the staff report.
- vi. Council Member XX moved to Approve/Deny the amended comprehensive plan including recommended changes identified during the May 6, 2019 work session, with the following additional amendments:
 - 1. XXX
- vii. Council Member XXX seconded the motion.
- viii. The motion passed X/X.

CONCLUSIONS OF LAW

The City Council reviewed the application and concludes the proposal meet the standards of approval under Garden City Code Title 8 and Idaho Code § 67-65.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Garden City Council does hereby **APPROVE/DENY** of amendments to the 2006 Garden City Comprehensive Plan and Future Land Use Map; file CPAFY2018-7 with the following additional changes:

- 1. The 2019 acknowledgement page has been alphabetized.
- 2. The map legend reads 'Future Land Use Designations'
- 3. Action Step 1.5.4: Establish a program which would allow for trees, benches, street lamps, public art and gardens, to be dedicated in tribute to the historical, cultural, or artistic life of the city.

4. Action Step 2.1.5 Explore an amendment to the Development Code to expand the boundaries of the Sarel Mitchell Live-Work-Create District. ~~that would serve as a tool to promote the district.~~
5. Action Step 4.1.1 amend the adopted Parks and Waterway Plan to include strategies for investment including the creation of a taxpayer supported park district and requirements for new development, ~~the creation of a park district~~ and/or the imposition of impact fees to fund new parks and green spaces.
6. Added Action Step 4.1.10 Consider expanding the Bee City USA designation with additional pollinators and consideration of an Integrated Pest Management Plan.
7. Added Action Step 5.3.4 Explore the feasibility of a comprehensive approach to storm water management that would restore the natural infiltration system balanced with existing conditions and flooding hazards.
8. Objective 5.7 Objective 5.7 Maintain and Protect the Greenbelt Pathway. Objective 5.8 was updated to “Greenbelt Pathway” for consistency.
9. Action Step 7.2.5 first bullet: to improve the design of Chinden Boulevard emphasizing multi-modal facilities, including consideration for bus turnouts and stations at the transit nodes.
10. Residential Low Density: The areas designated for low density residential are is north and south of the river, and south of the river west of Glenwood to Marigold Street...
11. Residential Low Density: The residential medium density designation is shown for the areas north of Chinden and west of Glenwood to Marigold Street...
12. Main Street Corridor: Create a “Main Street” corridor as a principle street through the City with a mix and concentration of uses along Adams Street with a possible alignment through a re-developed Idaho Expo site and connecting with Marigold Street...
13. Green Boulevard Corridor: ... Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted...
14. Action Step 2.3.1 Amend the Land Use Code with improved design standards for all new and altered ~~commercial~~ development. Consideration should be given to:
 - site and building designs that create a sense of place and destination; and
 - support for buildings that can be easily converted into a variety of uses;
 - harmony with neighborhood; and
 - a design review commission to administer the design standards.
15. Action Step 4.3.3 and Implementation Action Step 4.3.3 state “ Adopt an ordinance to implement the Green Boulevard Corridor as designated on the Future Land Use Map”
16. Action Step 5.1 In collaboration with other agencies stakeholders, consider a safe rafting route on the Boise River **Action Step 5.1.2** Understand the

trade-off and responsibilities for additional river usage before endorsing the proposal for a rafting route. Solicit cost information from Boise City on river channel maintenance, policing, and parking/traffic issues for a safe rafting route. Evaluate potential impacts to riparian area, wildlife habitat, and neighborhood.

17. Mixed Use Residential: The mixed-use residential area is north of Adams/Alworth Street.
18. Main Street Corridor: Create a “Main Street” corridor as a principle street through the City with a mix and concentration of uses along Adams/Alworth Street with a possible alignment through a re-developed Idaho Expo site connecting with the Activity Node at Glenwood and Marigold Streets
19. Idaho Expo and ITD District 3 Headquarters:
 - i. Bullet point 1: Connections through the site including extension of Adams/Alworth Street to Glenwood at Marigold Street, and between Glenwood and Coffey Streets.
 - ii. Bullet point 4: Improved access and utilization of the Boise River and floodplain for park land in exchange for highest and best commercial uses at the Glenwood/Chinden Intersection.
20. Existing Parks and Proposed Green Space and/or Parks: Areas that are devoted to green spaces including golf courses, open spaces and park uses, or are proposed for green spaces are shown on the Land Use Map. Green spaces contribute to the health and well-being of the community. Existing parks and should be preserved. The location shown on the map of future green spaces is just an approximation, and the design of future spaces should be well integrated into the development plan for the property, surrounding context, with maximum opportunity for pedestrian and bicycle access.
21. Comprehensive Plan Elements Required by the Local Land Use Planning Act
 - i. Delete 5.7 in property rights
 - ii. Change 8.12 to 8.1.2 referencing safety zones
 - iii. Omit word 'hazardous' in Natural Resources
 - iv. Not applicable, because neither the City Planning and Zoning Commission nor the manager or person in charge of the local public airport has requested an analysis from the City concerning public airport facilities.
 - v. National Interest Electric Transmission Corridors: Not applicable, because the City has not been notified by the Idaho Public Utilities Commission concerning federally designated national interest electric transmission corridors, therefore no analysis based on the U.S. Department of Energy's national electric transmission congestion study is necessary.