

BEFORE THE DESIGN REVIEW COMMITTEE  
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 Planning and Zoning Commission for consideration on April 17, 2019. The Planning and Zoning Commission reviewed the materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Planning and Zoning Commission 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 April 17, 2019 and with the Garden City Design Review Committee on March 18, 2019 and April 1, 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.

6. The following statute applies to this proposal:

Standards	Compliant	Conclusions
<b>Idaho Code § 67-6503 Local Land Use Planning</b>		
<b>Idaho Code § 67-6508 Local Land Use Planning</b>	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; implementation; national interest electric transmission corridors; and public airport facilities.</i></p>

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
    - b. Applicable minutes from:
      - i. Planning and Zoning Commission March 20, 2019, and April 17, 2019.
    - c. Staff reports, and referenced materials
    - d. Agency Comments
    - e. Public Comments
    - f. Signed Findings of Fact, Conclusions of Law, and Decision
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.

### CONCLUSIONS OF LAW

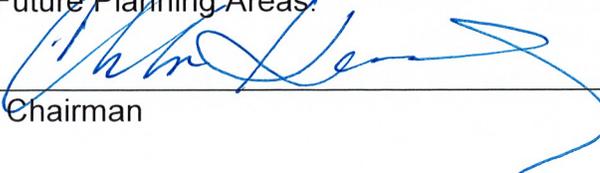
The Planning and Zoning Commission reviewed the application and concludes the proposal meet the standards of approval under Garden City Code Title 8 and Idaho Code § 67-65.

### DECISION

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

1. The changes recommended by the Garden City Design Review Committee are to be incorporated with the exceptions:
  - a. The text "where feasible" should be deleted on page 35.
2. The Future Land Use Map should match the Comprehensive Plan text related to Future Planning Areas.

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 Chairman Date