

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	CPAFY2019-3
)	
Boise River Overlay)	FINDINGS OF FACT,
Text Amendment)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
<hr/>		

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

FINDINGS OF FACT

1. The applicant is the City.
2. The application is for a code amendment to Garden City Code Title 8 [Development Code] Chapter 3 [Overlay Zoning District Regulations] Article E [Boise River and Greenbelt] to repeal the overlay in its entirety.
3. A neighborhood meeting was held on March 25, 2019.
4. On April 1, 2019 public notice was posted at the Garden City Hall, Garden City Police Department, and Garden City Library.
5. On April 9, 2019 a public service announcement was sent.
6. A copy of the application was transmitted to affected public agencies on April 9, 2019 and written comments were received from:
 - a. Idaho Transportation Department.
7. A legal notice was published in the Idaho Statesman on April 19, 2019.
8. Work sessions open to the public were held with the Design Review Committee on April 15, 2019 and with the Planning and Zoning Commission on April 17, 2019.
9. During the Design Review Committee public hearing on May 6, 2019:
 - a. Staff member Jenah Thornborrow represented the proposed amendments.
 - b. Testimony was received by Wendy Carver-Herbert in opposition to the changes. She testified that the intent of the canopy should be fully vetted with a working group prior to making changes and consideration of time to reach intended size and adherence to native landscaping should be met. She further noted that the parking lot requirements were less than other sections of code.
 - c. The Committee made the following recommendations to be included in the code changes:
 - i. The parking areas should require trees of one per five spaces. The Committee unanimously recommended approval with the draft changes noted.
10. During the Planning and Zoning Commission public hearing on May 15, 2019:

- a. Staff member Jenah Thornborrow represented the proposed amendments.
- b. Testimony was received by Wendy Carver-Herbert in opposition. Her concerns included:
 - i. Choosing to address the canopy leaves the community vulnerable to redevelopment without fully addressing the entire ordinance first.
 - ii. The intent of the 50% canopy provisions was unclear. This should be clear and stated prior to amending the code.
 - iii. A timeframe to achieve canopy should be addressed.

The Planning and Zoning Commission unanimously recommended approval as drafted noting that the recommendation include an immediate additional broader review.

- 11. During the City Council public hearing on May 28, 2019:
 - a. Staff member Jenah Thornborrow represented the proposed amendments.
 - b. Jason Jones testified in favor of the proposal.
 - c. Jeanne Jackson- Heim, Kim David, Wendy Carver-Herbert, Leslie Connealy, and Sarah Cox testified in opposition.
 - d. Kim Browning, Mike and Cheri McCormak, Sybil Leffler did not testify but submitted opposition.
 - e. The public hearing was closed.
 - f. The Council failed to make a motion.

- 12. A hearing was set to consider repealing the ordinance in its entirety for July 8, 2019. Noticing was completed in accordance with Garden City Code 8-6:
 - a. On June 12, 2019:
 - i. Public notice was posted at the Garden City Hall, Garden City Police Department, and Garden City Library.
 - ii. Public service announcement was sent to all media types.
 - iii. Interested parties were notified
 - iv. A copy of the application was transmitted to affected public agencies and written comments were received from:
 - i. U.S. Fish and Wildlife Service.
 - b. A legal notice was published in the Idaho Statesman on June 22, 2019.
 - c. Additional notice was placed in the utility bill for all Garden City utility account holders. The notice was sent to a third party processor on July 1, 2019.

- 13. The record contains:
 - a. Neighborhood meeting noticing materials;
 - b. Noticing documents;
 - c. Memorandums to Planning and Zoning Commission, Design Review Committee, and City Council;
 - d. Agency Comments;
 - e. Public Comments;

- f. Design Review Committee minutes and transcribable record of work sessions and hearing;
- g. Planning and Zoning minutes and transcribable record of work sessions and hearing;
- h. Design Review Committee recommendation;
- i. Planning and Zoning Commission recommendation;
- j. City Council minutes and transcribable record of hearings.

CONCLUSIONS OF LAW

The Design Review Committee reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application meets the standards of approval under GCC 8-6B-5 Development Code Amendment:

1. The text amendment complies with the applicable provisions of the comprehensive plan;

The text amendment is in compliance with the Garden City Comprehensive Plan.

2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and

There is no evidence text amendment will be detrimental to the public health, safety, and welfare of the community as conditioned.

3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.

The text amendment does not adversely affect the ability to provide public services within the city as conditioned.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the City Council hereby **DOES APPROVE** of repealing Title 8 [Development Code] Chapter 3 [Overlay Zoning District Regulations] Article E [Boise River and Greenbelt] in its entirety subject to the following conditions:

1. A supplemental ordinance to address the purpose of the Boise River and Greenbelt Overlay ordinance is drafted with guidance from a committee of neighborhood interests and experts.

Mayor, John G. Evans

Date