

BEFORE THE CITY COUNCIL  
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of: ) ) Specific Area Plan ) Development Code Text Amendment ) Garden City, Ada County, Idaho ) _____ )	CPAFY2020-0005  FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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THIS MATTER came before the Garden City, City Council for consideration on September 28, 2020, November 9, 2020, and on December 14, 2020. 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 Robert Taunton.
2. The application is to amend the current Specific Area Plan provisions to be a base zone.
3. The following section of the Garden City Development Code are amended by this proposal:
  - a. TABLE 8-2A-1 Base Zoning Districts Established
  - b. 8-2B-1 Purpose
  - c. 8-2B-2 Allowed Uses
  - d. 8-6A-4, Table 8-6A-2 Required Application Information
  - e. 8-6A-7, Table 8-6A-3 Public Noticing Requirements
  - f. 8-6B-6 Specific Area Plan
  - g. 8-7A-2 Definition of Terms
4. The following application information was provided:

<b>Materials Provided Per GCC Table 8-6A-2 Required Application Information</b>			
Provided			
Yes	No	NA	
X			Compliance Statement

5. The following application information was provided in addition to the materials required by GCC Table 8-6A-2:
  - a. Application
  - b. Proposed ordinance language
  - c. Redline of proposed changes to current ordinance

- d. Neighborhood meeting documents
  - e. Work Session with Design Review Committee, June 15, 2020
  - f. Work Session with Planning and Zoning Commission, June 17, 2020
  - g. Work Session with City Council, September 14, 2020
6. The application was considered complete, letter of acceptance was issued to the applicant, and hearing dates were set on June 2, 2020 in accordance with GCC 8-6A-3.
7. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Neighborhood Meeting	Not more than 3 months or less than 1 day prior to the submittal of the application between 5:30pm and 8:00pm.	July 21, 2020 at 7:00 pm
Radius Notice	N/A- When notice is required for more than 200 or more people alternative notice may be applied.	N/A
Legal Notice	Published 15 days prior to the hearing	July 24, 2020 & October 15, 2020
Agency Notice	15 days prior to the hearing	July 23, 2020
Public Service Announcement	15 days prior to the hearing	July 23, 2020 & October 12, 2020
Interested Parties		October 12, 2020

- a. As part of the alternative posting allowance, notice was posted at the Garden City Hall, Garden City Police Department, and Garden City Library on July 23, 2020 & October 12, 2020
  - b. As part of the alternative posting allowance, a legal notice of 2"X4" was provided.
8. Additional noticing was provided:
- a. To interested parties
  - b. On the Garden City website
  - c. Garden City Next Door (Neighborhood Meeting Notice)
9. The agenda was posted in the Garden City lobby and on the Garden City website in accordance with Idaho Code 74-204.
10. Comments were received by the following agencies:
- a. None

11. Comments were received by the following members of the public:
  - a. Wendy Carver Herbert on July 31, 2020
  - b. Fogelman on August 14, 2020 and September 1, 2020
  - c. Hollar on August 17, 2020
  
12. On August 17, 2020, a public hearing before the Garden City Design Review Committee was held:
  - a. Bob Taunton and JoAnn Butler presented the proposal
  - b. Jenah Thornborrow provided a staff report
  - c. The public hearing was opened
    - i. Wendy Carver- Herbert testified neutrally
  - d. The hearing was closed
  - e. The discussion centered on
    - i. Complexities related to reversion if something is not addressed in the plan
  - f. Committee Member Gresham moved to recommend approval of the proposal subject to additional conditions:
    - i. Add a condition #4 components a shall read "shall" rather than "should"
    - ii. Amend draft condition #2 to require that design criteria shall repeat standards of Garden City Code 8-4 into the Specific Area Plan if there is no proposal that would contradict that regulation.
  - g. Committee Member Labrie made a second on the motion.
  - h. The motion carried on a 3/0 vote.
  
13. On August 19, 2020, a public hearing before the Garden City Planning and Zoning Commission was held:
  - a. Bob Taunton and JoAnn Butler presented the proposal
  - b. Jenah Thornborrow provided a staff report
  - c. The public hearing was opened
    - i. Wendy Carver-Herbert testified neutrally, noting concerns with Garden City's noticing in general
  - d. The hearing was closed
  - e. The discussion centered on
    - i. Support of the changes
  - f. Commissioner Rasmussen moved to recommend approval of the proposal subject to conditions
    - i. Incorporate the same revisions that the Design Review Committee recommended
    - ii. Require interested parties to be notified, Table 8-6A-3
  - g. Commissioner Wilde made a second on the motion.
  - h. The motion carried on a 3/0 vote.
  
14. On September 28, 2020, a public hearing before the Garden Council was held:
  - a. The Mayor introduced the application.
  - b. The applicant Robert Taunton, and JoAnn Butler presented the application.

- c. Jenah Thornborrow provided a staff report.
  - d. There was no one who wished to provide public testimony.
  - e. Bob Taunton provided rebuttal.
  - f. The public hearing was closed.
  - g. Discussion included wanting more information and review on the factors of creating a new base zone.
  - h. Council Member Page moved to approve the application, as presented.
  - i. No second was received.
  - j. Council Member Souza offered an alternative motion to continue the application to a date certain of October 12, 2020.
  - k. Council Member Beaumont seconded the motion.
  - l. The motion passed unanimously.
15. The item was not heard on October 12, 2020, as the public hearing was closed on September 28, 2020.
16. The application was re-noticed for a public hearing on November 9, 2020.
17. On November 9, 2020, a public hearing before the Garden City Council was held:
- a. The Mayor introduced the application.
  - b. The applicant Robert Taunton, and JoAnn Butler presented the application.
  - c. Jenah Thornborrow provided a staff report.
  - d. Testimony was received by:
    - i. Ron Bush and Jason Jones provided in opposition.
    - ii. Will Gustafson provided testimony in favor.
    - iii. Michael Hair stood for testimony but did not provide testimony.
  - e. JoAnn Butler and Bob Taunton provided rebuttal.
  - f. The public hearing was closed.
  - g. Discussion included:
    - i. Council Member Souza noted that his wife is on the waiting list for the River Club. He previously shared that he had no conflicts of interest. He noted that he has no bias.
    - ii. Does not see how there could be situation that would be detrimental to the City.
    - iii. The tool provides all parties certainty and transparency.
    - iv. How the proposal works for other properties.
    - v. Council Member would like to continue. There is still conflicting language. She would like to better understand how it would be applied.
    - vi. Council Member Beaumont noted desire to take time and think about this.
    - vii. Council Member Page concerns have been assuaged. However, supports desires for more time.
  - h. Council Member Beaumont moved to open the hearing and hold it open until December 14, 2020.
  - i. Council Member Page seconded the motion.

- j. The motion passed unanimously.
18. On December 14, 2020, a public hearing before the Garden City Council was held:
- a. The Mayor introduced the application.
  - b. The applicant Robert Taunton, and JoAnn Butler presented the application.
  - c. Jenah Thornborrow provided a staff report.
  - d. Testimony was received by:
    - i. Jason Jones.
  - e. The public hearing was closed.
  - f. Council Member Souza moved to approve.
  - g. Council Member Page seconded the motion.
  - h. The motion passed unanimously.
19. In consideration of a development code amendment the following findings are required:

<b>GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS</b>			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X			<p><b>Finding: The text amendment complies with the applicable provisions of the comprehensive plan.</b></p> <p><b>Explanation:</b> The text amendment is in compliance with the Garden City Comprehensive Plan's objectives:</p> <ul style="list-style-type: none"> <li>2.1.4 Explore the opportunities to create distinctive neighborhoods</li> <li>2.3.6 Promote good design</li> <li>2.4.5 Improve the City 's gateways</li> <li>3.1.1 Develop a vision for a city center or multiple centers including the Expo Idaho site</li> <li>3.1.2 Partner with Ada County to implement the vision for the Expo Idaho site</li> <li>3.1.4 Transform the Expo Idaho site to an urban center for the city</li> <li>5.4.1 Evaluate creating a more urban setting along portions of the Boise River</li> <li>10.3.1 Develop master plans</li> <li>10.3.2 Focus on neighborhoods of</li> </ul>

			<p>rapid change and regeneration</p> <p>10.4.1 Amend the Development Code for TOD's</p> <p>10.4.5 Amend the Development Code for destination and neighborhood centers</p> <p>10.4.6 Transition development to be compatible with the existing surroundings.</p>
X			<p><b>Finding: The text amendment shall not be materially detrimental to the public health, safety, and welfare;</b></p> <p><b>Explanation:</b> There is no evidence text amendment will be detrimental to the public health, safety, and welfare of the community.</p> <p>The proposed amendments provide assurances for the investors, public, and public infrastructure, and service planning.</p>
X			<p><b>Finding:</b> 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;</p> <p><b>Explanation:</b> There is no identified adverse effect upon the ability to provide public services within the city as a result of this code amendment. The proposed amendments increase probability that development will occur in a certain manner making infrastructure and service planning more predictable.</p>

20. The record contains:

- a. Application and application materials
- b. Noticing Documents
- c. Agency Comments
- d. Public Comments
- e. Staff Reports
- f. Design Review Committee Recommendation
- g. August 17, 2020 Design Review Committee Minutes and Audio
- h. Planning and Zoning Recommendation
- i. August 19, 2020 Planning and Zoning Minutes and Audio
- j. City Council Decision
- k. September 28, 2020 City Council Minutes and Audio

- l. November 9, 2020 City Council Minutes and Audio
- m. December 14, 2020 City Council Minutes and Audio

- 21. In consideration of a development code amendment the following findings are required:
- 22. The record was reviewed by the Design Review Committee and the Planning and Zoning Commission to make a recommendation to the City Council.
- 23. The record was reviewed by the City Council in its entirety to make a decision.

**CONCLUSIONS OF LAW**

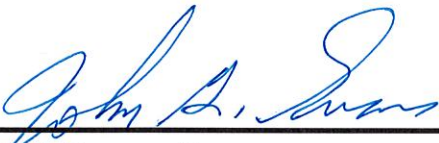
The City Council reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application meets the standards of approval under GCC 8-6B-5 Development Code Amendment.

**DECISION**

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the City Council hereby does **APPROVE** of the application, subject to the following conditions:

**CONDITIONS FOR APPROVAL**

- 1. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

  
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John G. Evans, Mayor

12/14/2020  
\_\_\_\_\_  
Date