

BEFORE THE DESIGN REVIEW COMMITTEE
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	CPAFY2022-0003
)	
Development Code Design)	FINDINGS OF FACT,
Review Consultant Amendment)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND RECOMMENDATION
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THIS MATTER came before the Garden City, Design Review Committee for consideration on July 18, 2022. The Design Review Committee reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Design Review Committee makes the following Findings of Fact, Conclusions of Law and Recommendation:

FINDINGS OF FACT

1. The applicant is the City of Garden City.
2. The following section of the Garden City Development Code are repealed or amended by this proposal:
 - a. 8-2C-13 Drive-Through Establishment
 - b. 8-2C-29 Mortuary
 - c. 8-2C-46 Wireless Communication Facility
 - d. 8-4A-3 Fences and Walls
 - e. 8-4A-9 Waterways
 - f. 8-4B-3 Single-Family and Two-Family Attached and Detached Residential Dwelling Units
 - g. 8-4C-5 Prohibitions
 - h. 8-4D-3 Parking Design and Improvement Standards
 - i. 8-4F-4 Permit Required
 - j. 8-4F-12 Regulations for Specific Sign Categories
 - k. 8-4F-15 Nonconforming Signs
 - l. 8-5C-5 Nonresidential Subdivisions
 - m. 8-6A-2 Duties and Authority
 - n. 8-6A-3 General Application Process
 - o. 8-6A-4 Required Application Information
 - p. 8-6A-5 Administrative Process With Notice
 - q. 8-6A-6 Administrative Process Without Notice
 - r. 8-6A-7 Public Hearing Process
 - s. 8-6A-9 Appeals And City Council Reviews

- t. 8-6B-3 Design Review Committee
- u. 8-6B-5 Development Code Amendment
- v. 8-6B-8 Minor Planned Unit Development
- w. 8-7A-2 Definitions of Terms

3. The following application information was provided:

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

4. The following application information was provided in addition to the materials required by GCC Table 8-6A-2:

- a. Proposed ordinance language
- b. Redline of proposed changes to current ordinance
- c. Neighborhood meeting documents

5. Hearing dates were set on July 18, 2022, Design Review, July 20, 2022, Planning and Zoning Commission, and July 25, 2022, City Council, in accordance with **GCC 8-6A-3**.

6. The following noticing was completed in accordance with **GCC 8-6A-7**:

Noticing Requirement	Requirement	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.	May 27, 2022
Legal Notice	Published 15 days prior to the hearing	May 27, 2022
Agency Notice	15 days prior to the hearing	May 27, 2022
Public Service Announcement	15 days prior to the hearing	May 27, 2022
Public Notice	As part of the alternative posting allowance, notice was posted at the Garden City Hall, Garden City Police Department, and Garden City Library	May 31, 2022

7. The agenda was posted in the Garden City lobby and on the Garden City website in accordance with **Idaho Code 74-204**.
8. Comments were received by the following agencies:
 - a. Garden City Engineer
 - b. Garden City Legal Department
9. Comments were received by the following members of the public:
 - a. No written public comments were received.
10. On July 18, 2022, the Design Review Committee reviewed the ordinance changes.
 - a. Garden City Development Services Director, Jenah Thornborrow, introduced the materials.
 - b. Public comment was heard from:
 - i. Hannah Ball: In favor, with questions about who the final decision maker would be and whether the timelines would be quicker.
 - c. Jenah Thornborrow provided a rebuttal:
 - i. For design review, Staff would be the final decision maker unless there was not a recommendation from the consultant(s) or a public hearing was triggered. The timelines would likely be similar, at least at this time due to staffing capacities.
 - d. Public testimony was closed.
 - e. Discussion Included:
 - i. Clarification of new application process.
 - ii. The Design Review Consultant(s) should be able to review the application prior to meeting with the applicant so the preliminary feedback can be worked into the process. This will allow for a more efficient process and avoid premature consultation meetings. This should be within practice and policy as administered by the Development Services Department. The ordinance should not specify this, or it may become too rigid and lose its flexibility.
 - iii. "Consultant" should be changed to "consultant(s)" in the proposed ordinance.
 - f. Decision:
 - i. Committee member Hurd motioned to approve the modifications, on the condition that "consultant" be changed to "consultant(s)."
 - ii. Committee member Labrie seconded the motion.
 - iii. The motion carried unanimously.
11. The record contains:
 - a. Noticing Documents
 - b. Staff Reports
 - c. Agency Comments
 - d. Public Comments
 - e. All versions of the drafted ordinance

f. Hearing transcribable record and minutes

12. In consideration of a Development Code Amendment the decision maker shall make the findings as prescribed:

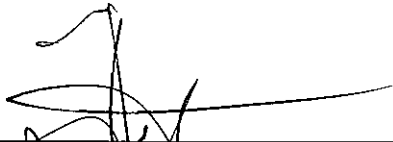
GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X			<p>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</p> <p>Explanation:</p> <p>The text amendment is supported by the Comprehensive Plan's Goals: 2 Improve the City Image, and 9 Develop a Sustainable City, and 12 Evolve as a Destination.</p> <p>As well as Objectives: 1.4 Create a premier destination place to live, work, and recreate, 2.1 Encourage new and distinctive neighborhoods 2.3 Promote quality design and architecturally interesting buildings,</p>
X			<p>Finding 2: The text amendment shall not be materially detrimental to the public health, safety, and welfare;</p> <p>Explanation:</p> <p>This proposal will not unreasonably diminish the health, safety, or welfare of the community as defined in the purpose of the Local Land Use Planning Act, Idaho Code 67-6502.</p>
X			<p>Finding 3: The text amendment shall not result in an adverse impact upon the delivery of services by any political</p>

			subdivision providing public services within the city;
			<p>Explanation:</p> <p>There is no identified adverse effect upon the ability to provide public services within the city as a result of this code amendment.</p>

RECOMMENDATION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Design Review Committee hereby does **RECOMMEND APPROVAL** of the application, subject to the following conditions:

1. That the verbiage in the proposed ordinance be changed from "consultant" to "consultant(s)".
2. 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.



7.18.2022

This signature verifies that this decision document has been reviewed and approved by the Design Review Committee