

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

THIS IS NOT A PREDETERMINED DECISION. ALL EVIDENCE WILL BE CONSIDERED. A DIFFERENT DECISION MAY RESULT IN AN UPDATE OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, OR CONDITIONS.

In the Matter of:) CPAFY2022-0005
)
Development Code Design) FINDINGS OF FACT,
Review Consultant Amendment) CONCLUSIONS OF LAW
Garden City, Ada County, Idaho) AND DECISION
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_____)

THIS MATTER came before the Garden City, City Council for consideration beginning on July 25, 2022. The City Council reviewed the 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 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 The following section of the Garden City Development Code are repealed or amended by this proposal: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**.

- a. The Design Review Committee discussed the new application process and suggested that the Design Review Consultant(s) be able to review the application prior to meeting with the applicant. Motion passed to approve the modifications, on the condition that “consultant” be changed to “consultant(s).”
- b. The Planning and Zoning Commission passed a motion to approve the modifications as proposed to be amended by the Design Review Committee.

6. 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 5:30 pm and 8:00 pm.	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
9. Comments were received by the following members of the public:
 - a. None
10. On July 18, 2022, the Design Review Committee reviewed the ordinance changes.
 - a. The Design Review Committee recommended approving the proposed ordinance, with modifications clarifying that there are multiple consultant(s) and that certain consultant(s) have specialized qualifications.
11. On July 20, 2022, the Planning and Zoning Commission reviewed the ordinance changes.
 - a. The Planning and Zoning Commission recommended approving the proposed ordinance.
12. On July 25, 2022, a public hearing before the Garden City Council was held:
 - a. City Council moved and unanimously voted for a first reading of the proposed ordinance.
 - b. City Counsel conducted the second reading on August 8, 2022.
13. 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

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

The draft findings are written both in approval and in denial. The decision maker may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.

GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X	X		<p>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</p> <p>Explanation:</p> <p>In Approval: 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> <p>In Denial: The text amendment is not in compliance with the Garden City Comprehensive Plan's List sections of the Comprehensive Plan</p>
X	X		<p>Finding 2: The text amendment shall not be materially detrimental to the public health, safety, and welfare;</p>

			<p>Explanation:</p> <p>In Approval:</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> <p>In Denial:</p> <p>The proposal will be detrimental to and 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 because the proposal fails to: pick applicable criteria from below</p> <p>(a) To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.</p> <p>(b) To ensure that adequate public facilities and services are provided to the people at reasonable cost.</p> <p>(c) To ensure that the economy of the state and localities is protected.</p> <p>(d) To ensure that the important environmental features of the state and localities are protected.</p> <p>(e) To encourage the protection of prime agricultural, forestry and mining lands and land uses for production of food, fiber, and minerals, as well as the economic benefits they provide to the community.</p> <p>(f) To encourage urban and urban-type development within incorporated cities.</p> <p>(g) To avoid undue concentration of population and overcrowding of land.</p> <p>(h) To ensure that the development on land is commensurate with the physical characteristics of the land.</p>
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X	X	<p>Finding 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;</p> <p>Explanation:</p> <p>In Approval: There is no identified adverse effect upon the ability to provide public services within the city as a result of this code amendment.</p> <p>In Denial: The text amendment adversely affects the ability to provide public services within the city, because: LIST REASONS IDENTIFIED.</p>

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the City Council hereby does **APPROVE/ DENY** the application modifying the Design Review application process, amending the definitions relevant to design review, and replacing the Design Review Committee with Design Review Consultant(s), subject to the following conditions:

Below are potential conditions for both approval and denial of the application.

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.

Mayor, John G. Evans

September 12, 2022

Date