

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, Planning and Zoning Commission for consideration on July 20, 2022. The Planning and Zoning Commission reviewed the application and 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 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 The following section of the Garden City Development Code are repealed or amended by this proposal: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**.

- 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)."

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 5:30pm 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	May 31, 2022

	Police Department, and Garden City Library	
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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. No written public comments were received.
10. On July 20, 2022, the Planning and Zoning Commission reviewed the ordinance changes.
 - a. Staff, Jenah Thornborrow, presented the application.
 - I. Design Review application fees will remain the same.
 - II. Change Pg. 8.e. to "If there is interest in the application, then the interested party must notify the city in writing."
 - b. Public testimony was heard from:
 - I. JoAnn Butler in favor; it wasn't clear who had standing. Is it whoever writes in requesting to be an interested party?
 - c. Public testimony was closed.
 - d. Jenah Thornborrow provided rebuttal:
 - e. Any person who provides written comments or expresses interest have standing, it does not have to be substantive.
 - f. Discussion included:
 - I. Unanimous support to approve the application.
 - g. Commissioner Brown moved to approve the application as drafted in the draft decision in the affirmative.
 - h. Commissioner Shepard seconded the motion.
 - i. 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> <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> <p>(i) To protect life and property in areas subject to natural hazards and disasters.</p> <p>(j) To protect fish, wildlife, and recreation resources.</p> <p>(k) To avoid undue water and air pollution.</p> <p>(l) To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.</p> <p>(m) To protect public airports as essential community facilities that provide safe transportation alternatives and contribute to the economy of the state.</p>
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>There is no identified adverse effect upon the ability to provide public services within</p>

			the city as a result of this code amendment.
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RECOMMENDATION

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

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.



8-1-22

Chairman, Kent Rasmussen