

BEFORE THE PLANNING AND ZONING COMMISSION  
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 Surel Mitchell	)	FINDINGS OF FACT,
Work-Live-Create & Design Review	)	CONCLUSIONS OF LAW
Amendment	)	AND RECOMMENDATION
Garden City, Ada County, Idaho	)	
_____	)	

THIS MATTER came before the Garden City, Planning and Zoning Commission for consideration on May 18, 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 The following section of the Garden City Development Code are repealed or amended by this proposal: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. 8-3A-1 Zoning Districts Established
  - b. 8-3A-3 Allowed Uses
  - c. 8-3C Surel Mitchell Work-Live-Create
  - d. 8-6B-3 Design Review Committee
  - e. 8-6A-8(C) Allowed Uses
  - f. 8-7A-2 Definition 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 May 2, 2022, Design Review, May 18, 2022, Planning and Zoning Commission, and May 23, City Council, in accordance with **GCC 8-6A-3**.
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.	April 25, 2022
Legal Notice	Published 15 days prior to the hearing	April 5, 2022
Agency Notice	15 days prior to the hearing	April 5, 2022
Public Service Announcement	15 days prior to the hearing	April 5, 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	April 5, 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. None
9. Comments were received by the following members of the public:
- a. Greg Hahn
  - b. Jodi Eichelberger
10. On May 18, 2022, a public hearing before the Garden City Planning and Zoning Commission was held:
- a. This section will be completed after the hearing to reflect the proceedings.

11. The record contains:
  - a. Compliance statement
  - b. Draft ordinance
  - c. Noticing Documents
  - d. Agency Comments
  - e. Public Comments
  - f. Staff Report
  - g. Design Review Committee Minutes and Hearing Audio: May 2, 2022
  - h. Design Review Committee Recommendation
  - a. DRAFT Ordinance 1024-22
  
12. 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.

<b>GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS</b>			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
<b>X</b>	<b>X</b>		<p><b>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</b></p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> The text amendment is supported by the Comprehensive Plan's Goals: 6 Diversity in Housing, 8 Maintain a Safe City, and 9 Develop a Sustainable City, and 12 Evolve as a Destination.</p> <p>As well as Objectives:            1.3 Consider the needs of all citizens, businesses, and the environment,            1.4 Create a premier destination place to live, work, and recreate,            2.3 Promote quality design and architecturally interesting buildings, and</p>

		<p>10.2 The Old Town site is a live-work-create district.</p> <p>And the Land Use Designation of Live-Work-Crete.</p> <p><b>In Denial:</b> The text amendment is not in compliance with the Garden City Comprehensive Plan's <b>List sections of the Comprehensive Plan</b></p>
X	X	<p><b>Finding 2: The text amendment shall not be materially detrimental to the public health, safety, and welfare;</b></p> <p><b>Explanation:</b></p> <p><b>In Approval:</b></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><b>In Denial:</b></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: <b>pick applicable criteria from below</b></p> <ul style="list-style-type: none"> <li>(a) To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.</li> <li>(b) To ensure that adequate public facilities and services are provided to the people at reasonable cost.</li> <li>(c) To ensure that the economy of the state and localities is protected.</li> <li>(d) To ensure that the important environmental features of the state and localities are protected.</li> <li>(e) To encourage the protection of prime agricultural, forestry and mining</li> </ul>

		<p>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	X	<p><b>Finding 3:</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></p> <p><b>In Approval:</b> 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><b>In Denial:</b> The text amendment adversely affects the ability to provide public services within the</p>

			city, because: <b>LIST REASONS IDENTIFIED.</b>
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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 **RECOMMENDED APPROVAL/ DENIAL** the application, 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.

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Kent Rasmussen, Chairman