

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:	)	CPAFY2022-0006
	)	
Development Code Parking	)	FINDINGS OF FACT,
Regulations Text Amendment	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
_____	)	

THIS MATTER came before the Garden City, City Council for consideration on February 13, 2023, and for a formal decision on DATE TBD. 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 city.
2. The application is to change parking provisions.
3. The following section of the Garden City Development Code are amended by this proposal:
  - a. 5-1-4 Stopping, Standing or Parking
  - b. 5-9-1 Permit Regulations (ADDED)
  - c. 8-1C-3 Property Maintenance
  - d. 8-2B-2 Allowed Uses
  - e. 8-3D-3 General Provisions
  - f. 8-4D-1 Purpose
  - g. 8-4D-2 Applicability
  - h. 8-4D-3 Parking Design and Improvement Standards
  - i. 8-4D-4 Parking Use Standards
  - j. 8-4D-5 Required Number of Off-Street Parking Spaces
  - k. 8-4D-6 Standards for Alternatives to On-site Parking
  - l. 8-4D-7 Off Street Loading Standards
  - m. 8-4D-8 Parking Benefit District (ADDED)
  - n. 8-7A-2 Definition of Terms

4. The applicant provided the following application information:

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

5. The applicant provided the following application information in addition to the materials required by GCC Table 8-6A-2:
- Application;
  - Proposed ordinance language;
  - Neighborhood meeting documents; and
  - Work Session comments from the Design Review Consultants.
6. The application was considered complete by Garden City and hearing dates were set on in accordance with GCC 8-6A-3.
7. Garden City completed the noticing 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.	11-07-2022 through 11-21-2022 virtually and in person 11-17-2022.
Legal Notice	Published 15 days prior to the hearing	10/31/2022
Agency Notice	15 days prior to the hearing	10/28/2022
Public Service Announcement	15 days prior to the hearing	10/28/2022

- On October 28, 2022, Garden City staff posted notice at Garden City Hall, Garden City Police Department, Garden City Library, and Chinden Fred Meyer Bulletin Board as part of the alternative posting allowance.
  - As part of the alternative posting allowance, the city provided a legal notice of 2"X4" in the Idaho Statesman on October 31, 2022.
8. Additional noticing was provided on Garden City social media platforms on October 31, 2022, including:
- Facebook
  - Next Door
  - Garden City Chamber website.
  - Garden City website.

9. Garden City staff posted agendas in the Garden City lobby and on the Garden City website in accordance with Idaho Code 74-204.
10. The following agencies provided comment:
  - a. Garden City Legal Department
  - b. Urban Land Institute, August 26, 2022
  - c. Design Consultant, Derek Hurd,
11. Public comment included in the record includes:
  - a. A parking perception survey that was conducted from June 30, 2022, to August 5, 2022. There were 184 participants.
  - b. A virtual Open House with an associated Parking Ordinance Questionnaire. There was an in person Open House on November 17, 2022. The comments were collected via comment card, and then entered into the online Parking Ordinance Questionnaire, resulting in 49 responses.
  - c. There were twenty one additional written comments received between May 8, 2022, and January 9, 2023.
  - d. There were seven comments received between January 9, 2023, and February 8, 2023.
12. The draft includes the Design Consultant recommendations. One of the consultants noted a preference for a repeal of the number of spaces required.
13. On January 18, 2023, at the Planning and Zoning Commission hearing:
  - a. Chairman Rasmussen introduced the application.
  - b. Jenah Thornborrow provided a staff report.
  - c. Public testimony was heard by:
    1. Lyndon Wynn:
      - I. 8-1C-3 requiring current registration requires that the police department enter the property. There should also be allowances for classic vehicles.
      - II. Does not comply with state law- 49-102 states that vehicles shall not be deemed abandoned if they cannot be moved and the owner has notified the police department.
      - III. Should not reduce single family below two required vehicles.
    2. Don May
      - I. Parking spot sizes should be 9'X18'.
      - II. Reduce guest parking to .1 per unit.
      - III. Require 1 space for up to 3 bedrooms.
      - IV. Add word "required" to compact parking allowance of 50%.
      - V. Covered bike parking via garage.

- VI. Bicycle parking 50' needs to be increased to 500'.
- VII. E bike parking should be equivalent to 1 bike space.
- d. Jenah Thornborrow provided rebuttal.
- e. The public testimony was closed.
- f. Discussion included:
  - 1. On street parking is a free public good. Without minimums it pushes private needs to the public system.
  - 2. Minimum parking requirements should not be included in draft because:
    - I. Affects housing affordability.
    - II. Not good land use.
  - 3. Parking Benefit Districts need to be in place to not have parking minimums.
  - 4. Electric Vehicle:
    - I. Limit to new or substantial development.
    - II. Not be required if less than 5 spaces are required.
    - III. EV ready requires a large investment.
- g. Commissioner Wilde moved to recommend approval with the issues discussed at the meeting to be addressed with the City Council.
- h. Commissioner Montoya seconded the motion.
- i. The motion passed 3/2 with Chairman Rassmussen and Commissioner Shepard dissenting.

14. On February 13, 2023, at the City Council hearing:

- a. To be completed to reflect the proceedings of the hearing.

15. The record includes:

- a. Application and application materials
- b. Noticing Documents
- c. Agency Comments
- d. Public Comments
- e. Staff Report
- f. Design Consultant Review
- g. Planning and Zoning Commission Recommendation
- h. Ordinance No. 1034-22

16. The decision maker must make a finding on the following standards when considering a development code amendment:

These findings and conclusions have been drafted in accordance with the Planning and Zoning Commission recommendation. The City Council may amend the conclusions and, or findings upon review of the record.			
<b>GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS</b>			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			<p><b>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</b></p> <p><b>Explanation:</b></p> <p>The text amendment is in compliance with the Garden City Comprehensive Plan.</p>
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>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><b>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;</b></p> <p><b>Explanation:</b></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>

17. 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/ does not meet** 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 **SUSTAIN/ MODIFY WITH CONDITIONS** the Planning and Zoning Commission recommendation and **APPROVE/ REJECT** the Planning and Zoning Commission recommendation and **DENY** 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.

**February 13, 2023**

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John G. Evans

Date