

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, February 27, 2023, April 10, 2023, April 24, 2023, May 8, 2023, May 22, 2023, and for a formal decision on **June 12, 2023**. 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.
  - 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.
  - d. Design Consultant, Brett Labrie.
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 fifty-two additional written comments received between May 8, 2022, and April 17, 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. Mayor Evans introduced the application.
- b. Jenah Thornborrow provided a staff report.
- c. The following individuals provided public testimony:
  - Requesting more stringent parking standards
    - 1. John Livingston
    - 2. Deb Riedell
    - 3. Robert Cluff
    - 4. Jacob Cluff
  - Requesting reduced parking standards
    - 5. Hannah Ball
    - 6. Don May: on behalf of Meghyn (last name not disclosed); Carrie Grabe; Sharon Ellis; John Frasier
    - 7. Jason Jones
    - 8. Francis Fallon
  - Other
    - 9. Louis Landry

10. Brian Rollins

d. Testimony summary:

Requesting more stringent parking standards

1. Overparking of neighborhood streets.
2. Developers are shifting the need to the public.
3. One space is not enough for a two-bedroom unit.
4. There are inadequate alternatives to driving.

Requesting reduced parking standards

1. Cost of parking in general.
2. Housing affordability.
3. Non-residential uses know their parking needs and will ensure that they are parked accordingly.
4. Requiring parking will shift development to podium style construction due to small lot sizes, resulting in loss of small businesses.
5. The east end of town is commercially zoned.
6. Car ports are a cheaper residential solution than garages.
7. Better maintenance of public parking is needed.
8. Spaces are currently too large.

Other

1. Form based zoning is needed.
2. Different neighborhoods in Garden City have different needs.
3. Integrate the comprehensive plan in the decision-making process.
4. Integrate trees and sidewalks into roadways.
5. Support public transportation.

e. Jenah Thornborrow stood for questions.

f. City Council discussion included:

1. Concern of long-term effects of under parking.
2. Recognition of public for thoughtful testimony.
3. The Comprehensive Plan should be utilized for decision-making purposes.
4. Parking created congestion is not safe.
5. Garden City has a diversity of housing types.
6. Transit is not likely to be supported in Idaho.
7. Existing residents and businesses have the right to protections.
8. Increased densities and traffic are a concern.
9. Would like to see the code simplified.

g. The hearing was continued to February 27, 2023.

15. On February 27, 2023, at the City Council hearing:
- a. Mayor Evans introduced the application.
  - b. The following individuals provided public testimony:

Requesting more stringent parking standards

- 1. Karen Hauser
- 2. Parker Massman
- 3. Art Peavy
- 4. Barry Klezmer
- 5. Michael Thiry
- 6. Andrea Fogleman
- 7. Marilee Pospahala read into the record by Andrea Fogleman
- 8. Ron Bush
- 9. Dan Hollar
- 10. Steven Sterns
- 11. Pierce Roan
- 12. Dave Patterson

Requesting reduced parking standards

- 13. Don May
- 14. Francis Fallon

- c. Testimony summary:

Requesting more stringent parking standards

- 1. Lack of transit.
- 2. Effects on public.
- 3. Administration of monitoring on-street parking.
- 4. Question if the parking codes would be retroactive.
- 5. Garden City is not a larger city such as San Francisco or New York.
- 6. Lower income housing requires roommates.
- 7. RV storage is needed.
- 8. Vehicles are large in Idaho.
- 9. Garages are utilized for storage.
- 10. Luciano's impedes the street.
- 11. A reduction in parking accommodates the developer.
- 12. High density housing limits businesses.
- 13. Parking lots and access is needed for the greenbelt.
- 14. Impediments for delivery trucks.
- 15. Children have vehicles.
- 16. The decision will affect the health, safety, and welfare of the community.
- 17. People speed through red lights.
- 18. Preservation of existing neighborhoods.

19. Commercial real estate must have parking.
20. Boise's North End is undesirable.
21. Plantation is opposed to no parking.
22. Banks will not lend to projects deficient in parking.

Requesting reduced parking standards

1. Housing affordability.
2. Government regulations.
3. Streamline.
4. Savings passed on to consumer.
5. ACHD is unlikely to remove public parking.
6. Conformance with the Comprehensive Plan.
7. Use combination.
8. Geographical Bias.
9. The city is a varied city in terms of potential growth.
10. The growth of Garden City should be harnessed.
11. Many cities are removing parking standards.
12. Areas along the river or of specific activity should have different standards.
13. The city should take a long-term approach.

Other

1. Testimony should be more than 3 minutes.
- ii. Jenah Thornborrow provided a staff report and requested clarification.
  - iii. The council noted:
    1. Preferred to not reduce size.
    2. Preferred to maintain the residential code as is.
    3. The recommendation for guest parking is adequate.
    4. The mixed-use parking requirements should be the sum of the requirements for the uses.
    5. Commercial parking standards should be based on new development or substantial redevelopment rather than change of use.
  - iv. The hearing was closed. A subsequent hearing will take place where formal action will occur.
  - v. Deliberation was continued to March 13, 2023.
16. On March 13, 2023, at the City Council meeting:
- a. The council noted that the changes made by staff based on previous deliberations were on the correct path.
  - b. Table 8-4D-6 Equivalent Parking Adjustments should be simplified.
  - c. Parking for residential at ¼ mile is too far.

- d. Deliberation was continued to April 10, 2023.
17. On April 10, 2023, at the City Council meeting:
- a. There was no specific direction on changes made to address the March 13, 2023, discussions.
  - b. An additional change to multi-family to require 1.6 spaces per unit was added.
  - c. Covered parking requirements for multi-family and group dwellings should not be omitted.
  - d. The words “or site” and “or precludes adequate parking on site” are to be added to 8-4D-6B.1. a.
  - e. Deliberation was continued to April 24, 2023.
  - f. A version was requested without redlines.
  - g. It was noted that a public hearing was noticed for April 24, 2023.
18. On April 24, 2023, at the City Council hearing:
- a. The hearing was continued to a date certain of May 8, 2023.
19. The City Council read Ordinance No. 1034-22 by title only on April 24, 2023.
20. On May 8, 2023, at the City Council hearing:
- a. Mayor Evans introduced the application.
  - b. As the city is the applicant, no applicant presentation was provided.
  - c. Staff Jenah Thornborrow provided a staff report.
    - 1. Areas to relocate code provisions to for a better construction of code include relocation of the provisions regarding tandem parking.
    - 2. Minor clarification areas that do not change the intent including:
      - a. Permitting
      - b. Loading
      - c. Lighting
      - d. Definitions of terms
  - d. The following individuals provided public testimony:
    - 1. Spokesperson David Patterson requesting additional parking and increased size for:
      - i. Jeanne Patteson
      - ii. Louis Stoddard
      - iii. Marilyn Stoddard
      - iv. Alana Annese
      - v. Mark Annese
    - 2. Clarice Schmellick-Increased parking is needed.
    - 3. Don May- Tandem parking should be allowed.
    - 4. Jason Jones- Ordinance precludes potential businesses by being too restrictive; size of stalls proposed accommodates larger vehicles; city should regulate public parking instead of



private parking; parking is expensive.

5. Hannah Ball- size of lots in east end do not lend to allowing for parking; precludes certain businesses; an overlay should be developed.

- e. The public testimony was closed.
- f. Council noted that the items mentioned by staff should be incorporated.
- g. Council President Page moved to read the ordinance by title only. Council Member Heller seconded the motion. The motion passed unanimously.
- h. The City Council read Ordinance No. 1034-22 by title only.
- i. The matter was continued to May 22, 2023, to coincide with the anticipated third reading.

21. On May 22, 2023 the City Council continued this matter to June 12, 2023.

22. To be updated to reflect the proceedings. Below is a possible outcome. The City Council read Ordinance No. 1034-22 by title only and moved to adopt the ordinance on **June 12, 2023**.

23. 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

24. 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			<b>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</b>
			<b>Explanation:</b>

			<p>The text amendment is in compliance with the Garden City Comprehensive Plan.</p> <p>Goal 8 Maintain a safe city.</p> <p>Objective 1.3 Consider the needs of all citizens, businesses, and the environment.</p> <p>Action Steps:</p> <p>2.4.4 Amend parking standards to reduce the impact of surface parking, including:</p> <ul style="list-style-type: none"> <li>■ incentives to encourage shared parking and support for cooperative parking arrangements.</li> <li>■ evaluation of current parking standards and consideration of new maximum standards; new design requirements for surface parking, including increased landscaping and location of parking behind buildings</li> </ul> <p>7.2.2 Working with other local jurisdictions, secure funding for providing and maintaining public transit within the region.</p> <p>7.2.3 Support efforts of Valley Regional Transit for fixed transit stops, bus turn-outs, and more frequent service as financially feasible.</p> <p>7.2.4 Promote public awareness of the value of public transit.</p> <p>7.2.6 Explore creative solutions to providing intra-city public transportation to support the increasing urban environment and evolving destinations within the city.</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:</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>There is no identified adverse effect upon the ability to provide public services within the city as a result of this code amendment.</p>

25. 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 **APPROVE/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.

**June 12, 2023**

John G. Evans

Date