

BEFORE THE GARDEN 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:	)	CPAFY2024-0005
	)	
Development Code Text Amendment	)	FINDINGS OF FACT,
Administration	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND RECOMMENDATION
_____	)	

THIS MATTER came before the Garden City Planning and Zoning Commission Choose Planning and Zoning Commission for consideration on 8/21/2024. The Garden City Planning and Zoning Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Recommendation:

**FINDINGS OF FACT**

1. The applicant is Garden City.
2. The application is to amend the Garden City code to clarify ambiguities in the administration of the code, remove conflicting provisions, simplify code, and combine and clarify procedures adopted by resolution with those adopted by ordinance.
- 3.
4. The following section of the Garden City Development Code are amended by this proposal:
  - a. 8-6A-2: Duties and Authority
  - b. 8-6A-2: Table 8-6A-1 Authorities And Processes
  - c. 8-6A-3 General Application Process
  - d. 8-6A-4 Required Application Information
  - e. 8-6A-5 Administrative Process with Notice
  - f. 8-6A-7, Table 8-6A-3 Public Noticing Requirements
5. The applicant provided the following application information:

<b>Materials Provided Per GCC Table 8-6A-2 Required Application Information</b>
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Provided			
Yes	No	NA	
X <sup>1</sup>			Compliance Statement

6. The following application information was provided in addition to the materials required by GCC Table 8-6A-2:
  - a. Proposed ordinance language
7. The application was considered complete, and hearing dates were set on June 20, 2024, in accordance with GCC 8-6A-3.
8. The following noticing was completed in accordance with GCC 8-6A-7<sup>2</sup>:

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.	7/11/2024
Legal Notice	At least 15 days prior to the hearing	6/22/2024
Agency Notice	At least 15 days prior to the hearing	7/31/2024
Public Service Announcement	At least 15 days prior to the hearing	6/20/2024

- a. As part of the alternative posting allowance, notice was posted at the Garden City Hall, Garden City Police Department, Garden City Library, and Garden City Fred Meyer, and Garden City social media.
  - b. As part of the alternative posting allowance, a legal notice of 2"X4" was provided.
9. Additional noticing was provided:
  - a. On the Garden City Facebook page
  - b. On the Garden City Next Door page
  - c. On the Garden City website
10. The agendas were posted in the Garden City lobby and on the Garden City website in accordance with Idaho Code 74-204.

<sup>1</sup> The compliance statement is included in the staff report.

<sup>2</sup> The noticing was conducted for all hearings and the dates correspond to the first hearing date.

11. Agency Comments were received from:
  - a. No agency comments were received.
  
12. Written Public Comments were received from:
  - a. No public comments were received.
  
13. On 08/21/2024, a public hearing before the Planning and Zoning Commission was held:
  - a. This section will be completed after the hearing to reflect the proceedings.
  
14. The record contains:
  - a. Application and application materials
  - b. Noticing Documents
  - c. Agency Comments
  - d. Public Comments
  - e. Staff Report
  - f. Planning and Zoning Commission Recommendation
  - g. 08/21/2024, Planning and Zoning Commission Minutes and audio
  - h. Signed Findings of Fact, Conclusions of Law, and Recommendation
  - i. Ordinance 1051-24
  
15. In consideration of a development code amendment the following findings are required:

<b>The draft findings are written both in approval and in denial. The Planning and Zoning Commission 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>			
<b>GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS</b>			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
		<b>X</b>	<b>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</b> <b>Reasoned Statement Explanation:</b> <b>Statement of non applicability:</b> This amendment is neither in compliance nor not in compliance with the Comprehensive Plan. The amendment will not materially change provisions regarding property regulations. The amendment is to clarify

		<p>existing standards and to simplify the required administrative provisions as required by Idaho Statute 67-65, the Local Land Use Planning Act.</p> <p><b>Statement of compliance or noncompliance:</b> The text amendment is not in compliance with the Garden City Comprehensive Plan's: <b>List applicable sections.</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>Statement of compliance:</b> 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. Rather the amendment will facilitate clear administrative procedures to enhance the applicant and public's ability to understand the processes.</p> <p><b>Statement of noncompliance:</b> 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. <b>LIST REASONS IDENTIFIED.</b></p>
X	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><b>Statement of compliance:</b> There is no identified adverse effect upon the ability to provide public services within the city as a result of this code</p>

			<p>amendment. This proposal was sent to all political divisions that govern within Garden City. No agency provided comment.</p> <p><b>Statement of noncompliance:</b> The text amendment adversely affects the ability to provide public services within the city, because: <b>LIST REASONS IDENTIFIED.</b></p>
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16. The record was reviewed by the Planning and Zoning Commission in its entirety to make a recommendation to the City Council.

**CONCLUSIONS OF LAW**

The Planning and Zoning Commission reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application meets the standards of approval under GCC 8-6B-5 Development Code Amendment.

**RECOMMENDATION**

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

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

**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.

8/21/2024

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Chairman, Ryan Montoya

Date