

BEFORE THE PLANNING AND ZONING COMMISSION  
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of: ) ) Development Code Surel Mitchell ) Work-Live-Create & Design Review ) Amendment ) Garden City, Ada County, Idaho ) _____ )	CPAFY2022-0005  FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION
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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 The following section of the Garden City Development Code are repealed or amended by this proposal: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:

<b>Materials Provided Per GCC Table 8-6A-2 Required Application Information</b>			
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. Jessica Steadman and Jenah Thornborrow provided a presentation of the application.
  - b. Jason Jones, Jodi Eichelberger, Hannah Ball, and Greg Hahn all testified in favor of fixing the Work-Live-Create district.
  - c. Jessica Steadman provided rebuttal.
  - d. The public hearing was closed.

- e. Discussion included:
  - i. Four of the five Commissioners noted preference of maintaining the code. Chairman Rasmussen indicated that he was in favor only because he felt a wholistic rewrite would allow the code to apply to the area of town east of the Expo Idaho property and south of the river.
  - ii. By providing more than one option, the proposal feels rushed and more akin to a work session.
  - iii. There is urgency to amend the code, but it is a band-aid, and a committee should be convened to provide a thoughtful review of the regulations.
  - iv. The Work-Live-Create District should be reviewed in its entirety, by a committee of experts, those with long-term interests, and those who have recently purchased in the district.
- f. A motion was made by Commissioner Wilde to recommend the code as drafted to fix the Work-Live-Create District code.
- g. The motion passed on 4/1 vote with Chairman Rasmussen dissenting.

- 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:

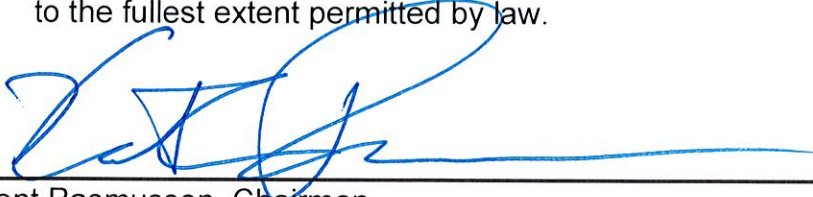
<b>GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS</b>			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X			<p><b>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</b></p> <p><b>Explanation:</b></p> <p>The text amendment is supported by the Comprehensive Plan's Goals: 6 Diversity in Housing, 8 Maintain a Safe City, and</p>

			<p>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 10.2 The Old Town site is a live-work-create district.</p> <p>And the Land Use Designation of Live-Work-Create.</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>

**RECOMMENDATION**

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning and Zoning Commission hereby does **RECOMMENDED 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.



5-20-22

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Kent Rasmussen, Chairman

