

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:)	CPAFY2023-0001
)	
Development Code Financial Surety)	FINDINGS OF FACT,
Text Amendment)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER came before the Garden City, City Council for consideration on January 9, 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 Garden City.
2. The application is to amend processes for financial sureties.
3. The following section of the Garden City Development Code are amended by this proposal:
 - a. 8-5A-6.C
 - b. 8-5B-7
 - c. 8-6A, adding section 15
4. The following application information was provided:

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

5. The following application information was provided in addition to the materials required by GCC Table 8-6A-2:
 - a. Application
 - b. Proposed ordinance language
 - c. Redline of proposed changes to current ordinance
 - d. Neighborhood meeting documents
 - e. Work Session with Design Review Committee, and

f. Work Session with Planning and Zoning Commission

6. The application was considered complete, letter of acceptance was issued to the applicant, and hearing dates were set, in accordance with GCC 8-6A-3.
7. 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.	November 17, 2022
Radius Notice	Alternative notice provided	N/A
Legal Notice	Published 15 days prior to the hearing	October 31, 2022
Agency Notice	15 days prior to the hearing	October 28, 2022
Public Service Announcement	15 days prior to the hearing	October 28, 2022

- 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 Post Office on October 28, 2022
 - b. As part of the alternative posting allowance, a legal notice of 2"X4" was provided.
8. Additional noticing was provided:
 - a. On the Garden City Facebook site
 - b. On the Garden City Next Door site
 - c. On the Garden City Chamber website
 - d. To Interested Parties
 - e. On the Garden City website
9. The agenda was posted in the Garden City lobby and on the Garden City website in accordance with Idaho Code 74-204.
10. Comments were received by the following agencies:
 - a. Garden City Legal Department
11. Comments were received by the following members of the public:
 - a. None
1. On December 21, 2022, the Garden City Planning and Zoning Commission:

- a. At the beginning of the meeting the Chairman asked if the applicant was in attendance and if they agreed with the draft findings of fact conclusion of law and recommended decision in the affirmative, if there was any member of the public who wished to testify in opposition to the application, or if the staff or any member of the Commission have any reason that the application should be heard.
- b. The applicant is the city.
- c. There was no one from the public who wished to testify.
- d. The staff nor any member of the Commission noted a reason this item needed to be heard.
- e. The application was moved to the consent agenda and approved.

2. On January 9, 2023, a public hearing before the Garden City Council was held:
 a. This section will be completed after the hearing.

- 3. 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. December 21, 2022, Planning and Zoning Commission Minutes and audio
 - h. January 9, 2023, City Council Minutes and Audio
 - i. Signed Findings of Fact, Conclusions of Law and Decision
 - j. Ordinance 1030-22

4. In consideration of a development code amendment the following findings are required:

The draft findings are written in accordance with the Planning and Zoning Commission Recommendation. The City Council will consider the entire record when rendering a decision.			
GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan. Explanation:

			The text amendment is in compliance with the Garden City Comprehensive Plan.
X			Finding 2: The text amendment shall not be materially detrimental to the public health, safety, and welfare;
X			<p>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;</p> <p>Explanation:</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>

5. The record was reviewed by the City Council in its entirety to render the 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 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/ does not** uphold the Planning and Zoning Commission recommendation and **APPROVES /DENTIES** of the application, subject to the following conditions:

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

RECOMMENDED CONDITIONS FOR APPROVAL

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.

Mayor, John G. Evans

Date