



DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2921 ■ Fax 208/472-2996 ■
www.gardencityidaho.govoffice

To: Planning and Zoning Commission
From: Jenah Thornborrow, Development Services Director
Subject: Potential changes to GCC 8-6A Title 8 General Administration
Date: For April 17, 2019

Requested Action

Recommendation to City Council

Background

It was identified that Garden City Code requires a two year residency minimum to sit on the Garden City Planning and Zoning Commission, yet there is only a 30-day residency requirement to run for office. There was a desire have these requirements be more congruent with each other, and also to make the administration of Garden City Code Title 8 more nimble.

Garden City Code requires that revisions to Title 8 go through a neighborhood meeting process before application can be submitted. A neighborhood meeting was held on March 4, 2019. The community members indicated that they would like for the requirements of land use applications to be transparent and easily accessible by the public.

Garden City Development Services Department identified several items that could potentially be removed from code. Examples include adding the application requirements directly to each application, or relocating certain provisions of hearing procedures to the existing hearing procedures resolution. Garden City Legal Department noted that they would like to task a legal intern with reviewing the sections of code. Their anticipated hire date of the intern will be later this summer.

However, the City Attorney did research the two-year residency requirement to serve on the Planning and Zoning Commission. He concluded:

Pursuant to Idaho Code § 50-210 that the mayor and council shall have authority to appoint such boards, commissions and committees as may be deemed necessary or expedient to assist the mayor and council in better carrying out the responsibilities of their offices. The responsibilities, duties and authority granted permanent boards or commissions, shall be enumerated by ordinance.

It was also concluded that per Idaho Code § 67-6504(a) an appointed member of a city or county planning and zoning commission must have resided in the county for at least two (2) years prior to his appointment, and must remain a resident of the county during his service on the commission.

Identified Potential Changes to Garden City Code 8-6A

The identified potential changes are intended to keep the duties, authorities, and responsibilities in Title 8, and move membership requirements, and terms of office, and organization of the Planning and Zoning Commission and Design Review Committee to adopted bylaws. This change will not affect the State Statute requirement that an appointed member of the Planning and Zoning Commission must reside in Ada County for two years prior and through the duration of their appointment.

There is an additional change to the processes that has been drafted. There has been question as to whether the requirement of Design Review Committee recommendations to changes to Garden City Code Title 8 and Comprehensive Plan Amendments creates an unnecessary work load. There is a proposed revision to only require a recommendation when there is a proposed amendment that affects design.

8-6A-2 DUTIES AND AUTHORITY:

B. Planning and Zoning Commission: The planning and zoning commission shall be the designated planning agency for the city. The commission shall be responsible for final action on site specific permits and appeal body as defined by this title and for recommendations to the council on land use legislation, comprehensive plan amendments, and other policy matters.

1. Duties of the commission regarding implementation of this title shall be as follows:

- a. Provide for citizen meetings, hearings, surveys, or other methods to obtain advice on the planning process, comprehensive plan, and implementation;
- b. Promote a public interest in and understanding of the commission's activities;
- c. Make recommendations to the council concerning the comprehensive plan, planning process, or implementation of the comprehensive plan;
- d. Initiate proposed amendments to this title and conduct a biannual review of the complete development code;
- e. Conduct public hearings, make decisions and recommendations to the council based on the required findings and standards for applications as set forth in article B, "Specific Provisions", of this chapter; and
- f. Serve as the review authority in appeals of decisions of the planning official.
- g. The commission may, at its discretion, delegate some of its functions to the commission chair, a commission subcommittee, or to the planning official.

h. Written bylaws consistent with Garden City Code and other laws of the state for the transaction of business of the commission shall be adopted.

~~2. Membership Requirements of The Planning And Zoning Commission:~~

- ~~a. The council in creating a commission shall provide that the geographical area and interests of the city are broadly represented on the commission.~~
- ~~b. The commission membership shall consist of five (5) voting members, all appointed by the mayor and confirmed by majority vote of the council.~~
- ~~c. An appointed member of the commission must have resided in the city for two (2) years immediately preceding his/her appointment, and must remain a resident of the city during the service on the commission.~~
- ~~d. One (1) commission seat may be filled by a city property owner or city business owner. The member must have owned property in the city or must have operated a~~

~~business in the city for two (2) years immediately preceding his/her appointment, and must remain a property or business owner in the city during the service on the commission.~~

~~e. Members shall be selected without respect to political affiliation.~~

~~f. Commission members shall not be entitled to any compensation.~~

3. Term of Office for Planning and Zoning Commission Members:

a. Members of the commission shall serve a term of three (3) years.

b. No person shall serve more than two (2) full consecutive terms without a two-thirds majority vote by the city council.

c. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment.

d. Members may be removed for cause by a majority vote of the council.

e. Members shall be selected without respect to political affiliation.

4. Organization Of The Planning And Zoning Commission:

~~a. The commission shall elect a chairman on an annual basis.~~

~~b. The commission may establish subcommittees, advisory committees, or neighborhood groups to advise and assist in carrying out their responsibilities. The commission may appoint nonvoting ex officio advisors as may be deemed necessary.~~

~~c. Written bylaws consistent with this title and other laws of the state for the transaction of business of the commission shall be adopted.~~

~~d. A record of meetings, hearings, resolutions, studies, findings, permits and actions taken shall be maintained. All meetings and records shall be open to the public.~~

~~e. At least one (1) regular meeting shall be held each month for not less than nine (9) months in a year.~~

~~f. A majority of voting members of the commission shall constitute a quorum.~~

D. Design Committee:

1. Duties of The Design Committee: The design committee shall work in partnership with applicants on design review. The committee shall act as the decision maker on design applications unless otherwise herein defined, and serve as an expert on all matters of design that come before the city.

2. The Design Committee shall adopt written bylaws consistent with Garden City Codes and other laws of the state.

~~2. Membership: The committee membership shall consist of the planning official or designee and at least three (3) community members appointed by the mayor and confirmed by a majority vote of the city council. Two (2) members shall be residents of or property owners in Garden City. Two (2) members shall be a licensed architect, landscape architect, or urban designer.~~

~~3. Term Of Office: The term of office for design committee community member shall be three (3) years, staggered among the committee members. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment. Members may be removed for cause by a majority vote of the council.~~

~~4. Meetings: All meetings of the committee will be public and notice of the meetings shall be posted at city hall at least one (1) day before the meeting. A quorum shall consist of the planning official and two (2) community members. A record of meetings and actions taken shall be maintained.~~

E. The following Table 8-6A-1 is a summary list of the actions that the city shall take in administration of this title, the body responsible for the action, and reference to the process under which the action shall be taken:

**TABLE 8-6A-1
AUTHORITIES AND PROCESSES**

Permit/Decision	Recommending Authority	Final Decision Maker	Process	Appeal Body
Annexation	PZ	CC	PH	
Change of use to a permitted use	None	PO	A	PZ
Comprehensive plan amendment	DC*/PZ	CC	PH	
Conditional use	None	PZ	PH	CC
Conditional use, revocation	None	CC	PH	
Design review, administrative: dwelling unit, single- or two-family design; alterations under 25%	None	PO	A	DC
Design review: nonresidential structures and/or sites, and more than two attached or adjacent dwelling units	None	DC	AN	CC
Development agreement or amendment	PZ	CC	PH	
Development code amendment	DC*/PZ	CC	PH	
Floodplain/floodway	None	PO	A	PZ
Manufactured/mobile home	None	PO	A	PZ
Master Site Plan	DC	CC	PH	CC
Minor land division	None	PO	AN	CC
Modifications to an approved permit	Same decision maker and process as initial approval			
Nonconforming setback extensions	None	DC	AN	CC
Planned unit development	DC/PZ	CC	PH	
Plat, boundary line amendment	None	PO	A	CC
Plat, final	PO	CC	PH	
Plat, condominium	PO	CC	A	
Plat, preliminary	DC/PZ	CC	PH	
Plat, preliminary and final combined	DC/PZ	CC	PH	
Signs	None	PO	A	DC
Signs, master plan or design review	None	DC	A	CC
Site layout template (minor PUD)	None	DC	AN	CC
Specific area plan	DC/PZ	CC	PH	
Variance	None	PZ	PH	CC
Zoning district amendment	PZ	CC	PH	

CC = Council

A = Administrative

PO = Planning Official

AN = Administrative with Public Notice

PZ = Commission

PH = Public Hearing

DC = Design Committee

DC* = Design
Committee only
recommends when
design is affected by
the application

Potential Recommendations

Staff has identified three potential recommendations that the Commission could make:

1. Make no changes to the Title 8 [Development Code] Chapter 6 [Administration] Article A [General Provisions] and Title 2 [Boards and Commissions].
2. Make identified recommended changes as identified by this memorandum.
3. Make other changes to Title 8 [Development Code] Chapter 6 [Administration] Article A [General Provisions] and Title 2 [Boards and Commissions] as identified by the Planning and Zoning Commission.

Attachments

Updated Bylaws to reflect recently adopted hearing procedures, proposed changes, and Idaho Statutes