



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: Noticing Discussion
Date: For September 16, 2020

Requested Actions:

Discussion related to Noticing

Summary:

During the August 19, 2020 Planning and Zoning Commission meeting the Commission requested a subsequent discussion related to Garden City noticing.

Analysis:

Garden City noticing requirements related to land use are found in Garden City Code [8-6A Administration, General Provisions](#). In particular, [8-6A-7 Public Hearing Process](#)

Staff has reviewed Garden City Code and compared it to the City of Boise, City of Eagle, and City of Meridians requirements. Please refer to below comparison.

Land Use Noticing Comparison				
	Garden City	Boise	Eagle	Meridian
Neighborhood Meeting prior to submittal	<ul style="list-style-type: none"> • Notice provided to all property owners of record within three hundred feet (300') • Notice at least ten (10) days prior to the meeting 		<ul style="list-style-type: none"> • Required based on hearing notice • 15 day in advance • held Saturday between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M., or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The 	<ul style="list-style-type: none"> • Notice provided to all property owners of record within three hundred feet (300') • Notice at least five (5) days prior to the meeting

	<ul style="list-style-type: none"> The meeting shall be held on a weekday between five thirty o'clock (5:30) P.M. and eight o'clock (8:00) P.M. not more than three (3) months or less than one (1) day prior to the submittal of an application. 		meeting shall not be on a holiday, a holiday weekend or the day before or after a holiday or holiday weekend.	
Radius Notice	<ul style="list-style-type: none"> Property Owners within 300' 15 days in advance 	<ul style="list-style-type: none"> For most applications 300' River system permits 500' upstream and 1000' downstream Comp Plan, rezones, subdivisions > 5 acres, conditional uses/ planned unit development > 1 acre, gateway = 500' 	Zoning RR/RUT/A/AR: 1500' RE:100' R1:800' All other zones 500'	<ul style="list-style-type: none"> Property Owners within 300' Heavy industry and wireless facilities 1000' Director may determine 1000' 15 days in advance
Agency		Required. Time frame not specified		Required. Time frame not specified
Property Posting	<ul style="list-style-type: none"> 10 days 4' X 4' 	11" x 17" (must be brightly	<ul style="list-style-type: none"> 10 day 11" x 17" for 	<ul style="list-style-type: none"> 10 day 11" x 17" for

		colored) 4' X 4' for Comp Plan, rezones, subdivisions > 5 acres, conditional uses/ planned unit development, gateway	conditional use permits • 4' X 4' • 4' X 8' <u>or three notices in the paper</u> for comp plan/ zoning map/ 10 or more parcels	conditional use permits for daycares, annexations/ variance/rezone/comp plan < 3 acres • 4' X 4'
Alternate Forms of Notice	When mailed notice is > 200 properties: • Publish 2"X4" • Post in 3 conspicuous locations in City • PSA to all media forms 15 days prior	When mailed notice is > 200 properties: • Publish • General Area Posted		When mailed notice is > 200 properties: • Additional publish more than 10 days prior • PSA to all media forms at least 7 days prior
Legal	15 days prior	15 days prior	15 days prior	15 days prior
Public Service Announcement	15 days prior	15 days prior	15 days prior	15 days prior

In addition to statutorily required noticing staff does the following:

1. For all those who request notifications they are added to a list that goes to all agencies and stakeholders. This email list receives notice of all land use hearing items.
2. For those homeowner associations that staff knows the email contact, the president is added to the email notifications.
3. The website has been reorganized to attempt to be more user friendly and have all record documents easily discovered.
4. The Planning Official may initiate noticing of a greater radius than 300' if it is anticipated that the application could result in significant adverse impact outside of the noticing area.
5. Interested party notification of any application where interest is noted by an individual.
6. Agendas are sent to Next Door, and at times Facebook.
7. Staff may reach out to specific agencies individually is it is anticipated that the application could result in impacts.

Attachments:

- City of Boise land use hearing noticing requirements
- City of Eagle land use hearing noticing requirements
- City of Meridian land use hearing noticing requirements

City of Boise

11-03-03: Procedures

4. Step 4: Notice:

- A. Application Referrals: Applications requiring public hearings shall be referred to all political subdivisions providing services to the site, including school districts, and registered neighborhood associations for review and comment. Application referrals to the registered neighborhood association shall be in addition to, and not in lieu of, mailed public hearing notice.
- B. Published Notice: At least 15 days prior to the hearing, notice of the time and place and a description of the proposal shall be published in the official newspaper of Boise City. A notice shall also be provided to other newspapers, radio, and television stations servicing the city for use as a public service announcement.
- C. Mailed Notice: Notice shall be mailed to the applicant and to property owners, purchasers of record, residents, and registered neighborhood associations:
 - (1) Within the subject property;
 - (2) Within the following distances from the external boundaries of the subject property:
 - (a) For Boise River System permits, 500 feet upstream and 1,000 feet downstream from the project site;
 - (b) For comprehensive plan land use map amendments, rezones, special exceptions, subdivisions five acres or greater, and conditional use permits and planned unit developments greater than one acre or on a gateway street, 500 feet;
 - (c) For a height exception exceeding 100 feet, a distance that is three times the proposed height;
 - (d) For variances, adjacent properties;
 - (e) For all other applications, 300 feet.
 - (3) Any additional area that may be impacted by the proposed change as determined by the Director when:
 - (a) The application could result in significant adverse traffic, environmental, aesthetic, noise, pollution, or population density impacts occurring outside the minimum notice area;
 - (b) The public interest would be better served by expanding the notification area.

D. Posted Notice: Notice shall be posted in a conspicuous place on the premises not less than 15 days prior to the hearing. The applicant shall be responsible for the timely posting of all sites and for the documentation of such postings, including appeals. The Director may require larger sized posting(s) or multiple notice(s) for applications that could result in significant adverse traffic, environmental, aesthetic, noise, pollution, or population density impacts.

(1) Size:

(a) All notice(s) shall be a minimum of 11"x17" in size, unless otherwise required.

(b) Notice(s) 4'x4' in size shall be required for: comprehensive plan land use map amendments, rezones, annexations, special exceptions, subdivisions five acres or greater, and conditional use permits and planned unit developments greater than one acre or on a gateway street.

(2) Content: The notice(s) shall utilize the template provided by the City.

(3) Material:

(a) Notice(s) 11"x17" in size shall be in bright colored, laminated paper, or other similar material mounted to a rigid surface of equal size and attached to a Director approved support.

(b) Notice(s) 4'x4' in size shall consist of plywood or other hard surface mounted on two 4"x4" posts, or attached to another Director approved support.

(4) Placement & Quantity:

(a) The notice(s) shall be posted perpendicularly along each roadway, excluding Interstate 84, adjacent to the subject property boundaries. The base of the notice shall be at least three feet above the ground.

(b) If the property has roadway frontage of 1,000 feet or more, a notice shall be placed at each end of the property roadway frontage.

(c) Notice(s) shall be located in the front yard on the property, with the notice oriented to oncoming traffic, outside of public right-of-way.

(d) If the notice(s) cannot be placed on the property and still be clearly visible, the notice(s) may be placed within the right-of-way if the applicant can obtain the consent of the owner of the right-of-way.

(5) Proof of Posting: Ten days prior to the public hearing, the applicant shall submit to the City a notarized statement and photograph of the posting attesting to where and when the notice(s) were posted. Unless the statement is received by such date, the hearing will be deferred.

(6) Removal: The notice(s) shall be removed no later than three days after the public hearing for which the notice(s) was posted.

- E. Alternate Forms Of Notice: When mailed notice is required for 200 or more property owners, purchaser of record, or residents, an alternative form of notice may be provided as follows:
 - (1) In lieu of mailed notices, two additional newspaper notices as described in subsection B, Published Notice, above; and
 - (2) The general area may be posted with notice in lieu of posted notice on each premise.
 - F. Notice Of Material Change: Following the hearing, if the PZC recommends a material change to the application, it shall give notice and conduct another public hearing before sending a recommendation to Council.
 - G. Notice Of Continued Hearing: At any public hearing, the review body may order the hearing to be continued by publicly announcing the time and place of continuance. No further notice thereof shall be required.
5. Step 5: Application Processing: The Director shall review the application materials and prepare a report of findings, including a recommendation to the review body to approve, approve with modifications, or deny the application, based on the applicable criteria in this Code.

City of Eagle

8-7-8: NOTICE REQUIREMENTS:

A. Public Hearings: On every land use action for which notice is provided below, both the Planning and Zoning Commission and the City Council shall hold a public hearing in which interested persons shall have an opportunity to be heard. No notice of a City Council hearing shall be given prior to receiving a recommendation from the Planning and Zoning Commission. Following any hearing, if a material change from what was advertised in the notice and presented at the public hearing is proposed, further notice and hearing shall be provided before the final decision is made.

B. Neighborhood Meetings: Applicants shall conduct a neighborhood meeting for comprehensive plan amendments, annexations, variances, conditional uses, Zoning Ordinance map amendments, and subdivisions. A neighborhood meeting shall not be required for City initiated applications.

1. Meeting Requirements:

a. It shall be the sole duty of the applicant to provide mailed written notice, in a form deemed appropriate by the zoning administrator, to all property owners or purchasers of record owning property within the respective radius of the exterior boundary of the application property as set forth in table B-1. Notice by mail shall also be provided to homeowners' associations that are contiguous to the exterior boundary of the application property. Mailed notice to neighborhood associations and any additional area that may be impacted by the proposed change shall be provided as determined by the zoning administrator. The neighborhood meeting written notice shall be provided by mail a minimum of fifteen (15) calendar days prior to the scheduled neighborhood meeting. For application properties which are five hundred (500) acres in size or larger, notice of the neighborhood meeting shall be provided to all property owners within the entire city limits.

Table B-1

Application Properties Zoned	The Notice Distance Shall Be
RR and RUT	1,500 feet
A and A-R	1,500 feet

R-E	1,000 feet
R-1	800 feet
All other zones	500 feet

b. The purpose of the neighborhood meeting is for the applicant to provide project information to the property owners or purchasers of record mentioned in subsection B1a of this section.

(1) Meetings shall be on a Saturday between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M., or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The meeting shall not be on a holiday, a holiday weekend or the day before or after a holiday or holiday weekend.

(2) The meeting shall be held either on the application property, at the nearest public meeting place, or at an office space with suitable meeting facilities if such facilities are within the city of Eagle area of impact boundary.

c. The neighborhood meeting shall be conducted prior to the submittal of the application.

d. Application materials shall include a written verification of the neighborhood meeting and a dated copy of notice provided to affected property owners. (Ord. 699, 5-28-2013)

C. Published And Mailed Notice For Comprehensive Plan And Zoning And Subdivision Ordinance Text Enactments, Amendments, And Repeals: At least fifteen (15) calendar days prior to each hearing, notice of the time and place of the hearing and a summary of the proposed action shall be made available to other papers, radio, and television stations serving the city for use as a public service announcement. Notice shall be sent to all political subdivisions providing services within the city, including school districts, at least fifteen (15) calendar days prior to the public hearing.

D. Published And Mailed Notice For Annexation, Comprehensive Plan Land Use Map Amendment, Zoning Ordinance Map Amendment, Development Agreement, Conditional Use Permit, Variance, Planned Unit Development, And Subdivision: At least fifteen (15) calendar days prior to each hearing, notice of the time and place of the hearing and a summary of the request and proposed action shall be published in the official newspaper or paper of general circulation within the city. Notice shall also be made available to other papers, radio, and television stations serving the city for use as a public service announcement.

At least fifteen (15) calendar days prior to the hearing, additional notice shall be provided to political subdivisions providing services, including school districts. Notice by mail shall be provided to all property owners and purchasers of record owning property located within the respective radius of the exterior boundary of the application property as set forth in table D-1. Notice by mail shall also be provided to homeowners' associations that are contiguous to the exterior boundary of the application property. Mailed notice to neighborhood associations and any additional area that may be impacted by the proposed change shall be provided as determined by the zoning administrator. For application properties which are five hundred (500) acres in size or larger, notice of the public hearing shall be provided to all property owners within the entire city limits.

Table D-1

Application Properties Zoned	The Notice Distance Shall Be
RR and RUT	1,500 feet
A and A-R	1,500 feet
R-E	1,000 feet
R-1	800 feet
All other zones	500 feet

E. Posted Notice: Except as noted within this subsection, any time notice is required under subsection D of this section, the land being considered shall be posted not less than ten (10) calendar days prior to the planning and zoning commission hearing and again not less than ten (10) calendar days prior to the city council hearing. For comprehensive plan land use map amendments and/or zoning ordinance map amendments consisting of changes to more than ten (10) parcels of land posted notice shall not be required unless all parcels under request for amendment are contiguous and if the parcels abut a public right of way. In such cases a minimum of one (1) four foot by eight foot (4' x 8') plywood sign shall be placed adjacent to the right of way. Otherwise, three (3) notices in the official newspaper or paper of general circulation, with the third notice appearing a minimum of ten (10) calendar days prior to the public hearing, shall be published. Except as noted herein, posting of the property must be in substantial compliance with the following requirements:

1. Signage Requirements:

a. The sign(s) shall consist of four foot by four foot (4' x 4') plywood or other hard surface mounted on two (2) four inch by four inch (4" x 4") posts in such a manner that it is perpendicular to the roadway along which the sign is posted and the bottom of the sign is at least three feet (3') above the ground.

b. Centered at the top of the four foot by four foot (4' x 4') sign board(s) in six inch (6") letters shall be the words "Public Notice". In addition, each sign will inform the public of the name of the applicant, and if applicable, the proposed development, the date, time, place, and nature of the public hearing and a summary of the proposal to be considered. Each sign shall be painted white and the letters shall be painted black and shall appear on both sides. An example of this sign is listed below:

Size = 6 inches-----	PUBLIC HEARING NOTICE
Size = 2 inches-----	Eagle Planning and Zoning Commission
Size = 1.5 inches-----	THE CITY OF EAGLE will hold a public hearing on May 9, 1995, at the Eagle City Hall.
Size = 1.5 inches-----	PURPOSE: Annexation and Zoning- You-Name-It Subdivision- Zoning R-4, Subdivision Preliminary Plat, 7.66 acres, 29 lots, single family dwelling, 1 lot open space/drainage w/ landscaped entryway.
Size = 1.5 inches-----	LOCATION: SW corner of Second St. and State St.
Size = 1.5 inches-----	APPLICATION BY: Average citizen, USA, Inc.

c. In lieu of the above conditions, for conditional use permit applications made pursuant to subsection [8-3-2E](#) of this title only, the sign shall consist of one (1) eleven inch by seventeen inch (11" x 17") sign on paper or other material and lettering sufficient to inform the public of the name of the applicant, and, if applicable, the proposed development, the date, time, place, and nature of the public hearing and a summary of the proposal to be considered.

2. Location Of Signs: The sign(s) shall be posted on the land being considered along each roadway that is adjacent to it. The signs shall be located on the property outside of the public right-of-way, if they can be so located and remain clearly visible from the roadway; otherwise, the consent of the owner of the right-of-way must be obtained and the sign(s) located therein. Except as noted herein, if the land being considered consists of more than one parcel of record, a sign must be located upon each parcel. The Zoning Administrator, upon finding that adequate notice will be provided, may not require all signs to comply with the size requirements of subsection E1 of this section. In the event that the land being considered includes properties with five hundred feet (500') or more of road frontage, a sign shall be placed on each end of the property roadway frontage. If this

property includes a corner lot, three (3) signs shall be posted, one on the corner and one on each end of the property roadway frontages.

3. Certification: The applicant shall submit a certification to the City Clerk no later than seven (7) days prior to the hearing as to what, where, and when sign(s) were posted. Unless the certification is received by such date, the hearing will be canceled.

4. Sign Removal; Penalty: No later than three (3) days after the noticed hearing and any continuation thereof, sign(s) must be removed. A penalty of twenty five dollars (\$25.00) per day shall be imposed against each applicant for late removal of the signs.

City of Meridian

C. Neighborhood Meetings:

1. Applicants for applications requiring a public hearing are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application, except a neighborhood meeting is not required for city council review, a vacation, and/or short plat.

2. Notice of the neighborhood meeting shall be provided to all property owners of record within three hundred feet (300') of the exterior boundary of the application property. Notice of the meeting shall be either hand delivered or mailed to the recipients.

3. Notice of the meeting shall be provided at least five (5) days prior to the meeting. The meeting shall be held not more than three (3) months or less than five (5) days prior to the submittal of an application.

D. Posting Of Public Hearing Notice:

1. Required: All applicants for applications requiring a public hearing shall post the subject property, except posting is not required for a unified development code text amendment, comprehensive plan text amendment, vacation, comprehensive plan map amendment initiated by the city, and/or short plat.

2. Time Frame: Not less than ten (10) days prior to the hearing, the applicant shall post a copy of the public hearing notice of the application on the property under consideration. Except as noted herein, posting of the property must be in substantial compliance with the following requirements:

a. Conditional use permit applications for daycare, group; and annexation, preliminary plat, variance, rezone, and comprehensive plan amendment applications for properties of land less than three (3) acres in size: The applicant shall post a sign consisting of one 11-inch by 17-inch piece of paper mounted to a rigid surface of at least equal size, or other material stating the name of the applicant, a statement concerning the proposed development, and the date, time and location of the public hearing.

b. All other hearings shall require the following posting notice:

(1) The sign(s) shall consist of four foot by four foot (4' x 4') plywood or other hard surface mounted on two (2) 4-inch by 4-inch posts, or attached to another director approved support in such a manner that it is perpendicular to the roadway along which the sign is posted and the bottom of the sign is at least three feet (3') above the ground.

(2) Centered at the top of the four foot by four foot (4' x 4') signboard(s) in six inch (6") letters shall be the words "Meridian Public Hearing Notice" and the date of hearing. In addition, each sign will inform the public of the nature of the hearing, the date, time and address of the hearing location, a summary of the proposal to be considered, a city contact phone number, and the name of the applicant, and if applicable, the proposed development. Each sign shall be painted white, and

the letters shall be painted black and shall appear on both sides. An example of this sign is set forth below:

(Ord. 14-1592, 1-21-2014; amd. Ord. 14-1623, 9-2-2014)

3. Sign Placement: The signs shall be posted on the land being considered along each roadway that is adjacent to the subject property boundaries. The sign(s) shall be located on the property, outside of the public right of way. If the sign cannot be placed on the property and still be clearly visible, the sign may be placed within the right of way if the applicant can obtain the consent of the owner of the right of way. In circumstances where placing signs per the standards listed herein is not practical the applicant may request a director's determination to identify an alternative sign placement strategy. (Ord. 14-1623, 9-2-2014)

4. Proof Of Posting: The applicant shall submit a notarized statement and a photograph of the posting to the city no later than seven (7) days prior to the public hearing attesting to where and when the sign(s) were posted. Unless certificate is received by such date, the hearing will be continued.

5. Sign Removal: The signs shall be removed no later than three (3) days after the public hearing for which the sign had been posted is ended. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005; amd. Ord. 14-1623, 9-2-2014)

E. Mailing And Publishing Of The Public Hearing Notice:

1. Legal Notice: At least fifteen (15) days prior to the public hearing, the city shall publish a notice of the time and place and a summary of the application in the official newspaper of general circulation in Ada County.

2. Radius Notice:

a. Time Of Notice: At least fifteen (15) days prior to the public hearing, the city shall send a notice by first class mail of the time and place, and a summary of the application to property owners or purchasers of record (as listed in the current records of the Ada County assessor) owning property within three hundred feet (300') of the property being considered.

b. Notice Extended: The noticing shall be extended to property owners within one thousand feet (1,000') of the external property boundaries for heavy industries and wireless communication facilities.

c. Notice To Properties Farther From External Boundaries: The director may determine, or other applications provided for in this title may require, that notices be sent to property owners or purchasers of record whose properties are farther than three hundred feet (300') or one thousand feet (1,000') from the external boundaries of the property.

d. Notice To Other Jurisdictions: The city shall send notice of the application to other jurisdictions with interest and/or authority over the application, including, but not limited to, the following:

- (1) Other jurisdictions with joint jurisdiction;
- (2) Appropriate utility companies, irrigation companies or districts and drainage districts;
- (3) Health and transportation authorities; and
- (4) School district.

F. Alternate Forms Of Notice: When posted or mailed notice is required of two hundred (200) or more property owners or purchasers of record, or when the city submits an application for a comprehensive plan map amendment, alternate forms of notice may be provided as follows:

1. One additional notice of the time and place of the hearing and summary of the proposal shall be published in a newspaper of general circulation within the County, not less than ten (10) days prior to the hearing; and/or

2. At least seven (7) days prior to the hearing, a public service announcement shall be made available to newspapers, radio, and television stations servicing the City.
 3. The City shall send notice to other jurisdictions in accord with subsection E of this section.
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