CITY OF GARDEN CITY

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STAFF REPORT: VERSION 2- September 17, 2025

File Number: ZONFY2025-0001

Application Type: Rezone/Zoning Map Amendment

Proposal: Rezone to better align zoning with the Comprehensive Plan designations. The proposal is to rezone specific properties within the comprehensive plan as low density residential as low density to R-2; specific properties within the comprehensive plan as medium density residential as medium density R-M; and redesignate properties zoned R-20 to R-3 or C-2

Location: Certain Properties West of Glenwood

Applicant: City of Garden City

Planning and Zoning Commission Hearing Date: September 17, 2025

North of River

South of River

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B. Background

The proposed rezoning initiative stems from discussions held during the review of Development Code Amendments CPAFY2024-0004 that resulted in the adoption of Ordinances 1050-24 (now codified) and 1057-25, linked.

Discussion during the code amendment process highlighted the difficulty of applying uniform regulations to properties within the R-3 zoning district, given the differing Comprehensive Plan designations and distinct neighborhood characteristics on either side of Glenwood Street. Public engagement amplified the contrasting community preferences. East of Glenwood Street, property owners and residents expressed support for redevelopment that aligns with the Comprehensive Plan's Mixed-Use designations, reflecting a vision for integrated, higher-density, and mixed-use development. In contrast, feedback from west of Glenwood Street, south of the river emphasized a desire to reduce the height and density allowed in the R-3 zoning district to preserve the area's traditional residential character, which is predominantly low to medium density and strictly residential, consistent with the Comprehensive Plan's Low and Medium Density Residential designations.

To address these concerns, the R-M Medium Density Residential zoning district was established. This district is intended for areas designated as Medium Density Residential in the Comprehensive Plan. It incorporates the R-2 Low Density zoning district form standards, with an added 10' height allowance beyond the R-2 zoning district's 35-foot limit (R-3 does not have a height limit and has smaller minimum setbacks). The permitted uses remain consistent with those allowed in the R-3 district prior to Ordinance 1057-25 with the addition of personal and professional services as conditionally permitted uses. The maximum density is set at 15 units per acre, positioned between the R-2 Low Density maximum of 6 units per acre and the R-3 allowance of 35 units per acre.

When applied to areas that are designated as Medium Density Residential in the Comprehensive Plan, the application of the R-M district can be an up-zone or a down-zone. An up-zone refers to the process of changing the zoning classification of a property or properties to allow for more

intensive or higher-density development than previously permitted. On the other hand, a down-zone refers to the process of changing the zoning classification of a property or properties to further restrict development intensities or densities.

Ordinance 1057-25 also anticipates that R-3 will be best applicable for the Mixed-Use residential Comprehensive Plan designation for properties east of Glenwood. The ordinance expanded the range of permitted and conditionally permitted uses for R-3 zoned properties. Permitted uses now include bed and breakfast*, bicycle (sales, service, storage, rental), limited service drinking establishment, eating establishments, financial institution, food store*, health club*, healthcare and social service*, laboratory (medical, dental, optical), laundromat, self-service cleaner, nursery, personal service, professional service, research and development, retail store, and tobacco retail store. The asterisked (*) uses were formerly conditionally permitted uses. New conditionally permitted uses include animal care facilities, building material/ garden and equipment, club, daycare, center, laundry/ dry-cleaning establishment, lodging, and mortuary.

Finally, discussions found that there are R-3 zoned areas north of Marigold and west of Glenwood north of the river that are designated as Low Density Residential in the Comprehensive Plan.

Following the adoption of Ordinance 1050-24, which formalized the R-M district, the City Council directed staff to start processing a residential rezone of properties west of Glenwood to align with the Comprehensive Plan. While this initiative does not constitute a citywide rezone, it represents a first step towards implementation of appropriate residential zoning designations west of Glenwood Street in accordance with the Comprehensive Plan.

C. Recommendation

Through discussions with the public and a formalized review, staff suggest that the identified zoning is appropriate and suggest the following additional actions:

1. Remove 6800 N. Horseshoe Bend Road from the rezone proposal from R-3 to R-2.
2. While staff acknowledges the option of utilizing a development agreement for properties proposed to be rezoned from R-2 to R-M, staff recommends proceeding with caution. The use of a development agreement in these areas may present significant administrative challenges and is likely contingent upon obtaining consent from all affected property owners, which may not be feasible.
3. Delay City Council action on this matter until additional applications can be heard concurrently to:
    a. Rezone the area in the Ruby Subdivision that is outside the designated Destination Node from R-3 to R-2.
    b. Rezone of 6265 N Strawberry Glenn Road to either M or R-2 with a Development Agreement allowing for the existing Strawberry Glen apartment height and density to be conforming.

c. Rezone of 8695 W Marigold Street (Boise Bible College) should proceed once there is no longer a pending application, or if a legally sound development agreement can be drafted prior. Such an agreement would stipulate that the zoning designation will be R-M if the application is denied or withdrawn. Alternatively, if the application is approved, a zoning designation of R-M with an accompanying development agreement is recommended to allow for the proposed height and density.

Please note that if this suggested delay occurs, the City Council hearing is anticipated to be March 9, 2026, to allow for the processing of the additional application.

D. Project Information

Proposed Scope of Work: This application is for a rezone - zoning map amendment.
Review Process: GCC 8-6B-10
Definition of Terms: Base Zoning District: General district in which all properties are divided into residential, commercial, or industrial uses and reflected on the zoning map.

Applicant: This is a city-initiated rezone.

Application Details:

The application proposes a series of zoning map amendments to better align residential zoning designations west of Glenwood Street with the adopted Comprehensive Plan. The proposed changes affect certain properties currently zoned R-2, R-3, R-20, and would result in reclassifying them to R-M, R-2, R-3, and C-2 districts.

Zoning Designation Considerations

When identifying properties to be included in the rezone, properties and zones were selected with the following criteria:

Key legal criteria that must be addressed in any rezoning effort:

1. **Comprehensive Plan Alignment:** Each rezoning proposal is designed to bring zoning into alignment with the land use designations in the Comprehensive Plan. This includes:
   Low Density Residential Comprehensive Plan Designation → R-2 Zoning
   Medium Density Residential Comprehensive Plan Designation → R-M Zoning
   Activity Node Comprehensive Plan Designation → R-3 Zoning
   Green Boulevard Corridor Comprehensive Plan Designation → C-2 Zoning

2. **Adjacent Zoning (Spot Zoning)**: Designations were chosen to not create a zoning designation that is different than the other surrounding zoning within the same Comprehensive Plan designation.

Staff also considered additional criteria when suggesting the zoning designations:

3. **Avoid legal conflicts**: Current applications and legally established uses that would become nonconforming were reviewed, as well as potential spot zoning claims were reviewed to determine the recommended districts.

4. **Simplify Zoning Code:** Only fourteen properties are zoned R-20 and rezoning them may allow for the removal of this designation from the code.

Proposed Rezone from R-3 to R-2 **(Mixed-Use Residential to Low Density Residential)**

Comprehensive Plan Designation: Residential Low Density

Summary of Changes:

- Effectively a down-zone.
- Density: Reduces maximum density from 35 du/acre to 6 du/acre.
- Uses: Fewer residential and nonresidential permitted and conditionally permitted uses.
- Form Standards: Increased setbacks and a height limit from no height limit to 35'.

Map:

Affected Addresses: **N Willowdale Pl** 6131, 6141, 6151, 6160, 6161, 6170, 6171, 6180, 6181**; W Atwater Dr** 8515, 8520, 8525, 8530, 8535, 8540, 8545, 8550, 8555, 8560, 8561, 8565, 8570, 8580, 8590, 8595**; W Canary Ct** 8515, 8520, 8525, 8535, 8540, 8545, 8555, 8565, 8575

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N Aspen Glen Way 6085, 6114, 6143, 6201, 6202, 6341, 6342, 6399, 6400, 6457, 6458, 6515, 6573, 6631; **N Bandon** Pl 6120, 6132, 6135, 6144, 6147, 6156, 6159, 6164, 6167, 6176, 6179, 6188, 6191, 6192, 6199; **N Cape Arago Pl** 5808, 5809, 5836, 5837, 5847, 5864, 5875, 5901, 5922, 5933, 5969, 5970, 5997, 5998, 6024, 6025, 6051, 6052, 6086, 6113, 6114, 6149, 6150, 6177, 6178, 6201, 6202, 6235, 6266; **N Duxbury Pier Ave** 5923, 5947, 5968, 5971, 5992, 5995, 6006, 6009, 6030, 6033**; N Duxbury Pier Ln** 5715, 5729, 5736, 5741, 5763, 5770, 5777, 5782, 5785, 5794, 5799, 5806, 5811, 5820, 5823, 5834, 5837, 5842, 5849, 5858, 5865, 5870, 5873, 5884, 5887, 5901, 5915; **N Duxbury Pier Pl** 6106, 6109, 6122, 6125, 6148, 6151, 6170, 6173, 6194, 6197; **N Gull Rock Pl** 6029, 6035, 6036, 6047, 6048, 6071, 6072, 6093, 6094, 6105, 6108; N Harbor Town Pl 5988, 6000, 6011, 6012, 6024, 6029, 6030, 6047, 6048, 6065, 6083, 6084, 6101, 6119, 6120, 6138; **N Ulmer Ln** 5852, 5864, 5890, 5898, 5913, 5922, 5939, 5965, 5991, 6017, 6111, 6127, 6131, 6143, 6159, 6165, 6171, 6189, 6201; N Yaquina Head Way 5782, 5801, 5820, 5839, 5858, 5877, 5896, 5915, 5934, 5972; **W Heceta Head Dr** 10301, 10337, 10373, 10409, 10445, 10481, 10517, 10553; **W River Rock Ln** 10140, 10151, 10176, 10187, 10210, 10215, 10230, 10243, 10271, 10284,

10302, 10309, 10333, 10367, 10382, 10395; **W Sleepy Hollow Ln** 9640, 9654, 9668, 9681, 9682, 9697, 9713, 9720, 9726, 9729, 9732, 9738, 9744, 9745, 9761, 9777, 9782, 9788, 9793, 9794, 9800, 9806, 9809, 9812, 9818, 9825, 9841, 9856, 9857, 9862, 9868, 9873, 9874, 9880, 9886, 9889, 9892, 9898, 9905, 9921, 9937, 9942, 9948, 9953, 9954, 9960, 9966, 9969, 9972, 9978, 9985, 10001; W Sultana Dr 9641, 9663, 9685, 9707, 9729, 9751, 9775, 9797, 9819, 9841; **W Sultana Ln,** 10444, 10445, 10466, 10467, 10488, 10499; **W Tributary Ln** 9591, 9635, 9646, 9657, 9668, 9679, 9690, 9701, 9712, 9734, 9745, 9756, 9767, 9778, 9789, 9800, 9811, 9822, 9835, 9846, 9857, 9879, 9890, 9923, 9965, 9987, 10009, 10031, 10053, 10075, 10087, 10095; **W Umpqua River Ct** 9577, 9580, 9645, 9648, 9713, 9716, 9781; **W Waterway Ct** 10241, 10258, 10259, 10266, 10277, 10284, 10302, 10320, 10391, 10392, 10409, 10410, 10427, 10428, 10445, 10446, 10463, 10464, 10482, 10500, 10518, 10536

Throughout the vetting of this application, it has come to staff's attention that 6800 N Horseshoe Bend Road is included in the application with a proposal to be rezoned to R-2 Low Density Residential. However, this property is in the TOD Comprehensive Plan designation, and it would be inappropriate to rezone this property to R-2 Low Density Residential as this zoning designation directly conflicts with the Comprehensive Plan's designation of this property.

Proposed Rezone from R-2 to R-M **(Low Density Residential to Medium Density Residential)**

Comprehensive Plan Designation: Residential Medium Density

Summary of Changes:

- Effectively an up-zone.
- Density: Increases maximum density from 6 du/acre to 15 du/acre.
- Uses: Expands allowable uses to include multifamily and group housing and additional non-residential uses that are identified as compatible or conditionally compatible within a residential neighborhood.
- Form Standards: Increased height limit from 35' to 45'.

Map:

Affected Addresses: **N Brook Pl** 5900, 5901, 5910, 5911, 5921, 5931, 5941, 5951, 5960, 5961, 5971, 5981, 5991; **N Cloud Nine Dr** 5701, 5711, 5751, 5765, 5800, 5801, 5811, 5820, 5821, 5835, 5850, 5851, 5875, 5900, 5901, 5911, 5920, 5921, 5940, 5950, 5951; **N Oasis Dr** 5700, 5710, 5720, 5740, 5780, 5800, 5804, 5808, 5812, 5815, 5816, 5820, 5821, 5824, 5825, 5828, 5829, 5832, 5833, 5836, 5837; **N Willowcrest Pl** 5409, 5410, 5418, 5426, 5427, 5434, 5445, 5446, 5461, 5477, 5478, 5495, 5509, 5525, 5543; **N Willowdale Dr** 8488, 8498, 8501, 8505, 8509, 8513, 8517, 8518, 8521, 8525, 8529, 8533, 8537, 8541, 8544, 8545, 8549, 8552, 8553, 8557, 8561, 8565, 8569, 8573, 8577; **N Willowdale Ln** 5918, 5926, 5931, 5953, 5960, 5965, 5974, 5979, 5986, 5991, 5998, 6003, 6012, 6017, 6024, 6029; **N Willowlawn Way** 5457, 5460, 5471, 5474, 5487, 5490, 5507, 5510, 5527, 5530, 5547, 5550, 5567, 5570, 5587, 5590, 5601, 5630, 5650, 5670, 5690, 5702, 5708, 5720, 5730, 5800, 5810; **W Clubhouse Ln** 8250, 8260, 8270, 8280, 8290, 8291, 8300, 8301, 8315, 8351, 8361, 8401, 8481, 8490, 8491, 8500, 8501, 8505, 8510, 8519, 8528, 8531, 8540, 8541, 8550, 8551; **W Echo Falls Ln** 8250, 8251, 8260, 8261, 8270, 8271, 8280, 8281, 8290, 8291, 8301, 8400, 8401, 8420, 8421, 8440, 8441, 8460, 8461, 8480, 8481; **W Marigold St** 8351, 8401, 8403, 8405, 8521, 8551; **W Willowcourt Dr** 8300, 8301, 8308, 8313, 8316, 8324, 8325, 8332, 8337, 8350, 8351,

8371, 8372, 8400, 8421, 8443, 8453, 8456, 8463, 8473, 8474, 8483, 8484, 8494, 8520, 8530, 8538; **W Willowdale Dr** 8209, 8225, 8243, 8259, 8277, 8286, 8293, 8300, 8309, 8320, 8325, 8336, 8343, 8352, 8359, 8370, 8377, 8393, 8400, 8409, 8418, 8421, 8425, 8428, 8431, 8435, 8438, 8443, 8448, 8453, 8458, 8463, 8468, 8471, 8478, 8479; **W Willowpark Dr** 8190, 8244, 8265, 8283, 8301, 8306, 8320, 8336, 8343, 8350, 8366, 8369, 8380, 8394, 8401, 8470

***Proposed Rezone from R-3 to R-M (*Mixed Use Residential to Medium Density Residential)**

Comprehensive Plan Designation: Residential Medium Density

Summary of Changes:

- Effectively a down-zone.
- Density: Reduces maximum density from 35 du/acre to 15 du/acre.
- Uses: Fewer nonresidential permitted and conditionally permitted uses.
- Form Standards: Increased setbacks and a height limit from no height limit to 45'.

Map:

Affected Addresses: **N Brighton Ave** 5879, 5890, 5893, 5900, 5905, 5935, 5950, 5963, 5970; **N Ensign Ave** 5800, 5820, 5844, 5860, 5875, 5892, 5895, 5911, 5930, 5947, 5948, 5980, 5983; **N Millstone Dr** 5531, 5534, 5560, 5575, 5578, 5600, 5601, 5614, 5622, 5627, 5628, 5633, 5636, 5645, 5654, 5657, 5660, 5661, 5673, 5674, 5677, 5681, 5682, 5683, 5692, 5697, 5723**; N Millstream Way** 5418, 5466, 5481, 5488, 5502, 5505, 5521, 5524, 5543, 5552, 5565, 5576, 5587, 5590, 5605, 5608, 5619, 5620, 5625, 5630, 5637, 5641, 5646, 5663, 5672, 5675, 5680, 5683, 5691, 5696, 5704, 5707, 5712, 5716, 5729, 5732, 5739, 5740, 5748, 5750, 5752, 5754, 5755, 5758, 5771; **N Streamside Pl** 5864, 5875, 5876, 5877, 5881, 5883, 5886, 5889, 5897, 5905, 5906; W Austin St 8702, 8716, 8722, 8734, 8756, 8768, 8776, 8792, 8846, 8874, 8884, 8888, 8892, 8898, 8946, 8948, 8954, 8978, 8982**; W Brekenridge Dr** 8855, 8873, 8893, 8894, 8900, 8903, 8948, 8949, 8954, 8981, 8989**; W Marigold St** 9007, 9031, 9115

Proposed Rezone from R-20 to R-3 (Medium-High Density to Mixed-Use Residential)

Comprehensive Plan Designation: Neighborhood Destination Node

Summary of Changes:

- Effectively a down-zone.
- Density: Unrestricted density to 35 du/acre (except in node).
- Uses: A broader allowance of nonresidential permitted and conditionally permitted uses.
- Form Standards: Increased rear yard setback.
- Potential to eliminate the underutilized R-20 district (only fourteen properties citywide).

Map:

Affected Addresses: **N Chad Evert Ln** 5977, 5978, 5979, 5980**; N Coffey St** 5815**; W Marigold St** 8263**; N Garrett St** 5661, 5807, 5815, 5833, 5851, 5857

***Proposed Rezone from R-20 to C2* (High Density Residential to Mixed-Use Commercial)**

Comprehensive Plan Designation: Green Boulevard Corridor; (touching) Transit Oriented Development Node; Residential Low Density

Summary of Changes:

- Effectively a down-zone.
- Density: No change.
- Uses: Fewer nonresidential permitted and conditionally permitted uses.
- Form Standards: No change.
- The C-1 designation would be ideal to align with the Green Boulevard Corridor Comprehensive Plan Future Land Use Designation, however, due to the adjacent zoning on both sides of the property, staff would suggest that C-2 is a better designation for consistency.
    - One of the properties is a church. This is a conditional use in all zoning districts.
    - The other property is a multi-family development. This is a permitted use in the C-2 zoning district.
- Aligns with the Green Boulevard Corridor and adjacent C-2 zoning.
- Potential to eliminate the underutilized R-20 district (only fourteen properties citywide).
- Encourages commercial and mixed-use development with no density maximum and a wide range of permitted uses.

Map:

Affected Addresses: **W Charlie Ln** 10140**; W State St** 9655

E. Discussion

The following discussion is more comprehensive than in standard staff reports. The reason for this is that the discussion includes a summary of the matters that were discussed during the neighborhood meeting held on July 30, 2025.

Spot Zoning

All rezoning applications must evaluate whether the proposed change constitutes illegal spot zoning.

Idaho case law classifies spot zoning into two categories:

- Type I Spot Zoning: A rezoning that occurs when a property is rezoned to a zoning district inconsistent with the surrounding district(s) but is consistent with the Comprehensive Plan. This is legal because the change aligns with the Comprehensive Plan and the surrounding zoning district(s) do not.

- Type II Spot Zoning: Is the type of spot zoning that is commonly referred to as "spot zoning." It occurs when a property is rezoned to a zoning district inconsistent with the surrounding district(s) and the Comprehensive Plan's land use designation(s). This type is illegal and should be denied.

In short, illegal spot zoning refers to a zoning change that is out of character with the surrounding area and the Comprehensive Plan, serving private interests rather than the public good.

For a detailed legal discussion, see pages 53–57 of the Givens Pursley Land Use Handbook (2024 edition).

Development Agreement

It is appropriate and legally permissible in Idaho for a citywide rezone to include development agreements for certain properties to ensure their existing uses are still conforming. Idaho Code § 67-6511A allows local governments to utilize development agreements as a condition of rezoning. These agreements can specify permitted uses or restrictions that differ from the base zoning district, effectively tailoring zoning to preserve existing uses. This approach helps avoid the complications of nonconforming use status, such as limitations on expansion or rebuilding after damage. Under Idaho Code § 67-6509 development agreements must follow proper notice and hearing procedures and be recorded with the county. Overall, using development agreements during a citywide rezone is a strategic and lawful method to maintain conformity for existing uses while ensuring legal compliance and protecting property rights. However, while development agreements offer flexibility, they should not be used to circumvent comprehensive planning goals or result in spot zoning. Instead, they must align with the comprehensive plan

and serve the public interest. For this reason, a development agreement might have a sunset clause for when the use is discontinued.

Application Process and Decision-Making Authority

Questions were raised by participants at the neighborhood meeting about who holds the authority to make final decisions in the rezoning application process. The Planning and Zoning Commission serves as the recommending body, while the Garden City Council is the final decision-making authority. The Council considers the Commission's recommendations along with the official record before making a final decision.

Access to Public Information

At the neighborhood meeting, participants raised questions regarding the accessibility of key documents, including application materials, presentations, and the Comprehensive Plan. In response, staff showed how to locate these resources on the city's official website.

Some attendees expressed difficulty accessing PowerPoint presentations and PDF files and document size. It was clarified that specialized software is not required to view these documents, as the documents are provided in formats compatible with standard web browsers and commonly available applications. As the documents are in electronic format, a zoom function can be employed by the user.

Communication Protocol for Public Input

There was an assertion by a participant at the neighborhood meeting that comments should be sent directly to the Council and not provided to staff. Members of the public were encouraged to refrain from sending comments or materials directly to decision-makers. In accordance with procedural requirements, decision-makers are only permitted to consider information that is part of the official record. Moreover, any correspondence sent directly to them will be forwarded to the Development Services Department to ensure it is properly included in the record.

Timely comments submitted to the Development Services Department are added to the public record. These submissions are available on the city's website, allowing individuals to verify that their input has been received and documented appropriately.

Requests for Property Exemptions and Clarification on "Grandfather Rights"

Property owners may submit a request to have their property excluded from the proposed rezoning application. However, such requests should be carefully evaluated by decision-makers to ensure that granting an exemption does not result in a potential spot zoning issue, which could raise legal concerns.

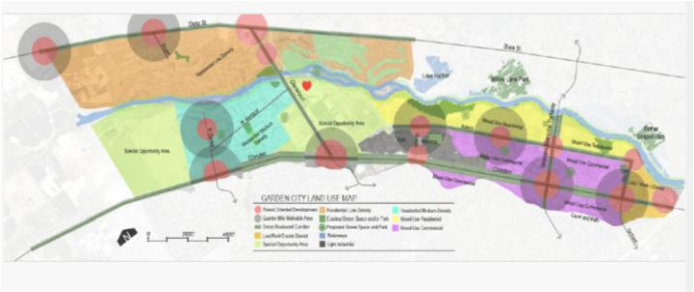
It is important to note that "grandfather rights" do not apply to rezoning applications. Zoning changes are legislative actions that apply broadly and are not subject to individual vested rights in the same manner as existing uses or structures.

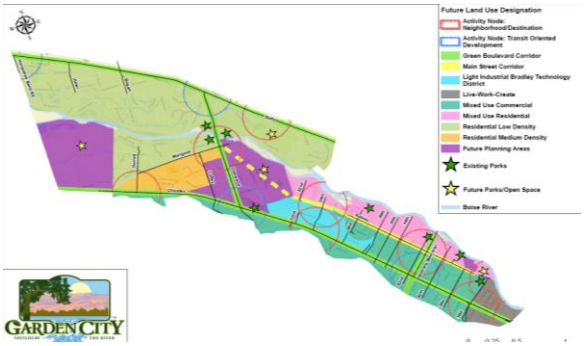
Application of the Comprehensive Plan

During the neighborhood meeting, several concerns were raised regarding the role and validity of the Comprehensive Plan. These included questions such as: Why is the Comprehensive Plan being referenced? Why has it not been updated since 2006? And is it legally valid given that some zoning designations predate the plan?

The Comprehensive Plan has, in fact, undergone multiple updates since 2006. However, the Future Land Use Map (FLUM) has remained relatively consistent. A notable amendment occurred in 2018, when the area south of the river and north of Marigold Street was reclassified from Medium Density to Low Density.

2006 FLUM **2018 FLUM**





Pages 3–5 of the 2024 Comprehensive Plan provide a summary of these updates, including documentation of public participation throughout the process. There is no evidence to suggest that the Plan was adopted improperly. It remains a legally recognized guiding document for land use and zoning decisions in Garden City.

If individuals believe that the zoning designation should differ from the Comprehensive Plan because the existing plan designations are no longer desirable or appropriate, the proper course of action is to *first* amend the Comprehensive Plan. This ensures that any subsequent zoning changes are consistent with the updated plan. Aligning zoning with the Comprehensive Plan maintains legal integrity, supports coherent land use policy, and upholds the intent of Idaho's planning statutes.

Financial Impacts and Tax implications

Participants at the neighborhood meeting were concerned about the proposal's financial impacts and property tax implications. Rezoning can have a range of financial implications for both property owners and the municipality. For property owners, a change in zoning may affect property values either positively or negatively, depending on the permitted uses, density allowances, and market demand. Down-zoning, for example, may reduce development potential, which could impact investment returns, while up-zoning may increase land value by allowing more intensive or diverse uses. From a municipal perspective, rezoning can influence

infrastructure investment priorities, long-term tax revenue projections, and service delivery costs. It is essential that financial impacts are considered alongside planning objectives to ensure that zoning decisions support both community goals and fiscal sustainability.

Rezoning alone does not automatically change property taxes. The impact occurs when the assessor re-evaluates the property based on its new potential use and market conditions. While this is drafted by someone who is not a taxing expert, the Ada County Assessor assesses residential property values annually based on several key factors:

1. Market Value: The Assessor's office estimates the market value of all taxable real and personal property as of January 1st each year. This estimation aims to determine the typical price a willing buyer would pay to a willing seller in an open market.

2. Assessment Methods: The assessment process involves analyzing construction costs, reviewing recent sales data, and, in some cases, conducting physical inspections of properties. The Assessor's office gathers sales information from various sources like the Multiple Listing Service, property owners, realtors, builders, developers, and independent appraisers.

3. Factors considered: Factors influencing the market value, such as property size, location, quality of construction, age, and condition are all considered during the assessment process.

Infrastructure Capacity Considerations

Concerns were raised at the neighborhood meeting regarding the capacity of Marigold Street and the existing sewer infrastructure. While most of the proposed rezoning represents down-zoning, thereby reducing potential development intensity, the City acknowledges the importance of evaluating infrastructure adequacy.

Marigold Street has been identified as a priority for review. The City has formally requested that the Ada County Highway District (ACHD) assess the street's capacity and functionality. This review is anticipated to take place during Fiscal Year 2026.

Additionally, there are known constraints within the sewer system that may impact future development. These limitations are being monitored and will be considered as part of ongoing infrastructure planning efforts.

Rezoning Considerations for Willowbrook Estates

This rezone proposal primarily involves the down-zoning of properties. Except for two parcels adjacent to State Street proposed to be rezoned from R-3 to C-2, Willowbrook Estates is the only area under consideration for an up-zoning.

Most of the public input at the neighborhood meeting came from residents of the Willowbrook Estates community, who expressed favor of down-zoning the neighborhood in general yet were opposed to the proposed up-zoning of their subdivisions to the R-M zoning designation, even though the existing R-2 zoning does not cleanly align with the Comprehensive Plan. This approach raises concerns from both a planning policy and legal defensibility standpoint.

Planning staff recommends that if the community formally requests a down-zone to align the new R-M (Residential Medium Density) with the Comprehensive Plan's Medium-Density Residential designation south of Marigold Street, then the entire area designated as such should be reclassified. This approach ensures consistent and equitable application of zoning regulations and avoids an arbitrary and capricious application. Moreover, this approach would avoid any claims of Type II spot zoning, an illegal action. As mentioned above, illegal spot zoning refers to a zone change is not in accord with the comprehensive plan and that singles out property in a manner that is inconsistent the surrounding zoning.

While it has been asserted in public comment that this action would not constitute Type II spot zoning because the area retaining the low-density R-2 zoning district is less intense than the R-M zoning district, Idaho case law suggests otherwise. In Ciszek v. Kootenai County Board of Commissioners, the Idaho Supreme Court considered a rezone from agricultural to mining use (a down-zone). The plaintiffs argued the change was inconsistent with the comprehensive plan and constituted spot zoning. The Court emphasized the importance of procedural rigor and plan consistency in evaluating such claims.

More recently, in NW Neighborhood Assoc. v. City of Boise, the Court invalidated a zoning decision due to procedural deficiencies and lack of alignment with the comprehensive plan. These cases underscore the importance of uniform application and transparent justification in zoning decisions.

Down-zoning surrounding parcels without applying the same standard to all property undermines the principle of equal application of land use regulations. It creates a perception of favoritism and exposes the City to potential legal challenges. Uneven zoning actions can be interpreted as arbitrary or capricious, especially if they lack a clear nexus to the comprehensive plan or public interest.

For this reason, staff does not recommend proceeding with a down-zone for the neighborhood that excludes the Willowbrook Estate property from being rezoned. Instead, an approach that would not change the Willowbrook Estates desired restrictions but would also be consistent with regulatory frameworks, is to consider a uniform zoning approach supported by a development agreement or Covenants, Conditions, and Restrictions (CC&Rs) to address community concerns. The CC&Rs are private agreements that are not enforceable by the city. This path ensures fairness, protects the City from legal exposure, and aligns with best practices in land use planning.

It is noteworthy that a zoning designation of R-M may also be more reflective of the existing neighborhood's density. Although when Willowbrook Estate subdivisions are reviewed collectively the overall density is reduced, several individual lots exceed the maximum density of 6 units per acre, approximating 8 units per acre. The larger lots do not appear to have restrictions that would preclude redevelopment.

Uses permitted in R-M but not permitted in R-2 include multi-family housing (more than two units per lot), artist studios, and neighborhood daycares. Additionally, uses conditionally permitted in R-M but prohibited in R-2 include group dwellings, food stores, health clubs (e.g., a gym), health services (e.g., a doctor's office), and parking (lots dedicated to parking).

Residents of Willowbrook Estates have CC&Rs that already mitigate potential impacts of a zoning change. Article IX Section 2 on page limits building height to a maximum of 35' and Article VII, page 9, prohibits more than a single family and any use except for housing.

However, some residents, including the letter from Terry Dean on behalf of the Homeowner's Association, express concerns with the Homeowner's Association assuming enforcement responsibilities for these provisions.

It is important to recognize that under R-2 zoning, multi-family dwellings require a conditional use permit, whereas they are permitted by right in the R-M zone. Despite this, the feasibility of multi-family development is limited without property consolidation. For instance, a 0.14-acre lot (a common lot size within the community) with anything more than a duplex would exceed fifteen units per acre allowance of the R-M zone. However, larger lots in Willowbrook Estates, typically around 0.2 acres (excluding HOA-owned parcels), could theoretically accommodate up to three units under R-M density limits. This is an increase from the two units that are allowable under the zoning regulations for the R-2 zoning district.

All the same, zoning constraints make denser development challenging, including:

- Maximum building height of 45 feet (including roof structures)
- Setbacks: 15' rear, 15' front, 5' side, and 20' street side
- Type A landscaping buffer (for multi-family)
- Parking: 1.5 spaces/ unit (with a minimum of 1 covered space/ unit)
- 250 sq. ft. of common open space per unit
- 80 sq. ft. of private open space per unit
- Required residential amenities.

Notwithstanding the existing R-2 zoning, the concerns raised by the community are not fully addressed, as certain uses deemed undesirable remain conditionally permitted. For example, the R-2 zoning could conditionally allow for some of the same uses that have raised concern such as an artist studio, daycare, and multifamily dwelling. A development agreement may offer a

viable solution to limit specific uses. This approach could help mitigate the risk of a spot zoning claim while effectively preserving the current zoning designation.

However, if this path is pursued, staff recommends that regulatory and practical considerations be carefully evaluated:

1. Regulatory Considerations
   A development agreement should not be used to circumvent the goals and policies of the Comprehensive Plan or result in spot zoning. To ensure the agreement aligns with the city's long-term planning framework, its provisions must be thoughtfully drafted. For instance, a development agreement could limit any non-residential uses that are not otherwise permitted in the R-2 zoning district without a CUP and also incorporate a sunset clause, such as one triggered by the dissolution of the Willowbrook Estates community or a designated timeframe. The timeframe could provide a safeguard against unintended future consequences and reinforce the nature of the agreement.

2. Practical Implications
   Restricting uses such as artist studios, neighborhood daycares, group dwellings, multi-family housing, food stores, health clubs, healthcare and social services, and parking facilities through a development agreement is technically feasible. However, this approach may excessively limit the Willowbrook Estate community's flexibility and self-determination. This is because the City would be required to enforce these restrictions, which could prevent residents from engaging in activities such as operating home-based artist studio or establishing parking facilities for the Willowbrook Estate community's use (such as the lawfully existing RV parking area). Moreover, it is possibility that each owner will be required to enter into the development agreement. This will be administratively challenging, and some owners may refuse.

   For these reasons, staff recommends that the Willowbrook Estates community consider utilizing CC&Rs as a more adaptable mechanism to regulate their neighborhood standards and uses.

Additional Properties for Rezoning Consideration

1. Ruby Subdivision (West of Garrett Lane)

The Ruby Subdivision was inadvertently omitted from the initial rezoning proposal. Rezoning the properties located outside the designated Destination Node from R-3 to R-2 would bring them into alignment with the Comprehensive Plan's designation of Low Density Residential.

2. Strawberry Glenn Apartments: 6265 N. Strawberry Glenn Road

This property was not included in the current application due to concerns regarding existing height and density, which could result in nonconforming use status. However, best practices suggest two viable options:

- Rezone the property to R-2 with a Development Agreement that preserves the existing use and building height, or
- Rezone the property to M (Mixed-Use), consistent with the adjacent M-zoned properties.

3. Boise Bible College: 8695 W. Marigold Street **(NOTE: there is a pending application at this location. The decision makers should avoid discussing the merits of the pending application to avoid due process and other legal claims).**

The Boise Bible College property is not included in the current rezoning initiative. This decision is based on the presence of an active application associated with the property, which does not conform to the proposed R-M zoning standards in terms of density and height. Initiating a rezone of the property at this stage would not be legally binding on the pending application and could expose the city to litigation risks and due process challenges.

Upon completion of the pending application, a rezoning initiative could be initiated. If the application is approved, the rezoning could be to R-M with an established Development Agreement. This agreement could enable the approved parameters to be recognized as a conforming use, rather than a nonconforming one. Staff cautions against rezoning the property with a development agreement, prior to an approval of the project, as this could be perceived as a predetermined decision on the pending application. If the project does not proceed, the city may also consider a future rezone of the property to R-M without a Development Agreement. Staff suggest that while the rezone would not legally apply, an application to rezone to R-M without a Development Agreement at this time is also not prudent in that it could result in an immediate nonconforming approval. However, if there is a way that a development agreement could be drafted in such a way to take these matters into account while there is a pending application, that is procedurally neutral and does not influence the outcome of the application, there is the potential to enter into an agreement while there is a pending application.

The Boise Bible College property is the only application that is outstanding within the area of proposed rezoning which precludes the rezoning of a specific property.

4. Idaho Transportation Department (ITD) property on Coffey Street
   This parcel is currently outside Garden City limits. Should annexation occur in the future, zoning would be determined at that time.

It is important to note that the Ruby Subdivision and Strawberry Glenn Apartments are not included in the current rezoning application and would require additional public notice and process. Staff recommends that a separate, future rezoning application be initiated to address these properties appropriately. Staff also recommends a separate, future rezoning application to address the Boise Bible College property. However, staff suggests that the initiative not be started until after there is no longer an active application on the property unless the Garden City Legal Department determines that there is a procedurally neutral way to establish a development agreement that will not influence the outcome of the application.

F. Decision Process

General Garden City Code Provisions

The ZONFY2025-0001 application is to be processed per GCC 8-6A-7 Public Hearing.

***Required Actions*:** The following decision processes are required for the project as governed by GCC Table 8-6A-1:

Decision	Recommendation Authority/ Hearing Date	Decision Authority
Rezone	Planning and Zoning Commission: Hearing August 20, 2025, continued to September 17, 2025	City Council: September 8, 2025; re-noticed to October 13, 2025

***Required Findings*:**

For the approval of a ZONING MAP AMENDMENT, the decision-making body must find the application meets the following findings, found in GCC 8-6B-10:

1. The zoning map amendment complies with the applicable provisions of the comprehensive plan.
2. The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement.
3. The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts.
4. The zoning map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts.
5. The annexation of land, if proposed, is in the best of interest of the city and complies with the procedures as set forth in Idaho Code section 50-222.

***Decision*:**

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision also needs to include the facts upon which the decision is based, the standards used in evaluating the application, reasoned statements that specifically address all required findings and all disputed facts, and a conclusion of law. It is important that the decision maker carefully reviews the reasoned statements to ensure that the disputed facts brought up during the hearing are addressed. Finally, if there is a decision or recommendation to deny the application, the decision needs to include the actions, if any, that the applicant could take to obtain approval.

Pursuant to Garden City Code Table 8-6A-1 Authorities and Processes, the Planning and Zoning Commission is a recommending authority to the City Council, the final decision maker for a rezone application.

Recommendation

The Planning and Zoning Commission is the recommending body for this application. Therefor their decision includes a recommendation to the City Council.

The Recommending Authority may take one of the following actions:

1. Recommend the City Council grant/ approve the application as applied;
2. Recommend the City Council grant/ approve the application with conditions as drafted or as amended to the City Council;
3. Recommend the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

Recommendation Motion

When making a motion, clearly state the action being recommended. You may use one of the following formats:

To Recommend Approval or Denial:

"I move to recommend approval/denial of File No. [**insert file number**], including the staff-recommended findings of fact, conclusions of law, and decision as drafted by staff."

— or —

"I move to recommend approval/denial of File No. [**insert file number**], including the staff-recommended findings of fact, conclusions of law, and decision, as amended to [**remove/add/modify**] [**specify changes**]."

If there is a denial, state code requires that the decision maker identify what could be done to obtain approval. Therefore, the final part of the motion in case of a recommendation for denial should provide this information. An example statement might be "for approval the proposal will need to meet all applicable code requirements" or "for approval, the discussed safety concerns shall be adequately addressed."

To Continue the Application:

"I move to continue File No. [insert file number] to a date certain: [insert date]."

The Planning and Zoning Commission may wait to formalize the written recommendation at the next meeting to ensure that written decision correctly reflects the proceedings and Commission's findings regarding the disputed facts. However, the Planning and Zoning Commission is required to formalize its decision no later than by the next regular scheduled meeting after the conclusion of the hearing.

The recommendation of the Planning and Zoning Commission does not constitute a final decision on the application. Their recommendations cannot be appealed, as they will be heard by the City Council for a final decision.

The City Council is the final decision maker for this application.

Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation with conditions;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

Decision Motion

The decision motion follows the same method as a motion for a recommendation. You may use one of the following formats:

To sustain the recommendation:

"I move to sustain the recommendation of the Planning and Zoning Commission for File No. [**insert file number**], including the findings of fact, conclusions of law, and decision, therefore [**approving/denying**] this application request

-or-

"I move to sustain the recommendation of the Planning and Zoning Commission for File No. [**insert file number**], including the findings of fact, conclusions of law, and decision, therefore [**approving/denying**] this application request as amended to [**remove/add/modify**] [**specify changes**]."

To reject the recommendation:

"I move to reject the recommendation of the Planning and Zoning Commission for File No. [**insert file number**], [**approving/denying**] this application request. The Commission errored in the conclusions of law [**specify changes to each finding, that the Commission errored and what the finding should be**]. (if there are additional amendments) furthermore [**specify changes**]."

Note: If the decision will result in a denial of the application motion must also include what could be done to obtain approval.

To Continue the Application:

"I move to continue File No. [insert file number] to a date certain: [insert date]."

To Remand the Application:
"I move to continue File No. [insert file number] to the Planning and Zoning Commission [**provide reasons]**, e.g. to review the revised evidence that has been submitted]."

Appeal of Decision:
Pursuant to Garden City Code Table 8-6A-1 Authorities and Processes, Planning and Zoning Commission is the recommending authority and the City Council is the final decision maker for the requested application. The recommendation of the Planning and Zoning Commission does not constitute a final decision on the application.

The applicant or someone with whom has standing may request the City Council to reconsider their decision. A reconsideration request must be made within 14 days of the formal decision being rendered. Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.

G. Agency Comments

The following agency comment was provided:

Agency	Date	Summary
DEQ	06/30/2025	Standard comments

H. Public Comment

All affected property owners have been notified and invited to participate in an open house and two public hearings. Written comments are encouraged and will be included in the public record.

The following written public comments were provided:

Name	Date	Summary
Beth Collier	07/30/2025	Will Boise Bible College pay taxes and are there tax credits?
Charles Leffler	08/06/2025	Opposed to rezone from R-2 to R-3; concerns about traffic.
Kali Carringer	07/30/2025	Delete both the R-M and the R-20 zones and zone R-3.
Terry Dean	07/30/2025	Willowbrook is opposed to the rezone.
Terry Dean	08/12/2025	Opposition to proposed rezone of Willowbrook Estates from R-2 to R-M, in particular the additional permitted and conditionally permitted uses.

Wendy Carver Herbert	8/18/2025	
Karen Duke Scott Dean Michael and Linda Sutch David Caswell Pat Hoovestol Martha Campbell	8/19/2025	Concerns noted with a pending application CC&Rs preclude the changes that code would allow Change the Comprehensive Plan Discontent with the neighborhood meeting being informative and dislike of the room setup Ease traffic congestion
Joan Ross	8/20/2025	Asking if there is a proposed associated development

Neighborhood Meeting Discussion

On July 30, 2025, there was a Neighborhood Meeting held at Garden City Hall. There was a significant turn out. The concerns that were discussed include:

- The application process and decision-making authority.
- Access to public information.
- Communication protocol.
- Requests for Property Exemptions and Clarification on Grandfathering.
- Application of the Comprehensive Plan.
- Financial Impacts and Tax implications.
- Infrastructure Capacity Considerations.
- Additional Properties for Rezoning Consideration

The Discussion section of this report discusses each of these matters.

I. Code and Policy Analysis

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

Garden City Title 8 Code Sections		
Code Section	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations		
8-1A-4 Applicability		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-1 Purpose		Pursuant to Garden City Code 8-2B-1D, the purpose statement of the zoning districts that are proposed to change are: A. Residential Districts: The purpose of the residential districts is to provide a full range of housing products within the city in areas that are

predominantly for residential uses. The purpose of the residential districts is to be in accordance with the comprehensive plan. The residential districts are different in density.

District	Max. Density	Min Density	Purpose
Rural density residential district (R-1, A, or R1-A referred to in the remainder of this Title as R-1)	1 du/acre	N/A	This zoning district allows for single family dwellings on larger lots as well as small scale agricultural or rural uses. This zoning is appropriate for areas designated as low density residential in the Comprehensive Plan.
Low density traditional residential district (R-2)	6 du/acre, except for in areas of an Activity Node 20 du/acre	N/A	This zoning district is intended to implement the Comprehensive Plan's designation of low density residential.
Medium density residential (R-M)	15 du/acre except for in an Activity Node where the maximum density is 25 du/acre	14 du/acre in an Activity Node unless a mixed-use development or a successful obtainment of a conditional use permit	This zoning district is intended to implement the Comprehensive Plan's designation of medium density residential.
Medium-high density residential (R-20)	No max	14 du/acre unless a mixed use development or a successful obtainment of a conditional use permit	This zoning district is to implement the Comprehensive Plan's designation activity nodes that are residential in nature.

B. Mixed Use Districts: The purpose of the mixed-use districts is to provide a mix of residential and nonresidential uses that are urban in nature.

District	Max Density	Min. Density	Purpose
Mixed-Use Residential (R-3)	35 du/acre except for in an Activity	14 du/acre in Activity Nodes unless a	This zoning district is intended to implement the Comprehensive Plan's designations of residential

			Node there is no max density	mixed-use development or a successful obtainment of a conditional use permit	neighborhoods that are more urban in nature such as in the mixed-use residential area or in the Neighborhood Destination or Transit Oriented Development Nodes.
		Mixed-Use Commercial (C-2)	No Max	N/A	This zoning district is intended to implement the Comprehensive Plan's vision for mixed-use commercial and Activity Nodes. The designation may be appropriate to implement the Comprehensive Plan's designations of Mixed-Use Commercial and Main Street Corridor.

8-2B-2 Allowed Uses

Table 8-2B-1 presents the permitted, conditionally permitted, and prohibited land uses within the applicable zoning districts. For clarity and relevance to the current discussion, zoning districts not under consideration have been excluded. Additionally, any land use not permitted in any of the included districts has been omitted to streamline the table.

TABLE 8-2B-1
ALLOWED USES IN ALL BASE ZONING DISTRICTS

*Indicates uses that are subject to specific land use provisions
as set forth in article C of this chapter.

P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district					
	R-2	R-M	R-20	R-3	C-2
Accessory use*	P	P	P	P	P

			Agriculture*	P	P	P	P	P
			Amusement center*					C
			Animal care facility*				C	C
			Artist studio*	C	P	P	P	P
			Bed and breakfast*	C	C	C	P	P
			Bicycle sales, service, storage, rental				P	P
			Building material, garden, and equipment*				C	C
			Church or place of religious worship*	C	C	C	C	C
			Club*				C	C
			Commercial entertainment facility*					C
			Daycare, center*				C	C
			Daycare, neighborhood*	C	P	P	P	
			Daycare, personal*	P	P	P	P	

			Drinking establishment, full service*					C
			Drinking establishment, limited service*				P	P
			Drive-through establishment*					C
			Dwelling unit, accessory*	P	P	P	P	P
			Dwelling unit, group		C	P	C	P
			Dwelling unit, multiple-family*	C	P	P	P	P
			Dwelling unit, single-family attached	P	P	P	P	P
			Dwelling unit, single-family detached	P	P	P	P	P
			Dwelling unit, two-family	P	P	P	P	P
			Eating establishment, full service	C	C	C	P	P
			Eating establishment, limited service	C	C	P	P	P

			Equipment rental, sale, and service*					C
			Financial institution*			C	P	P
			Food products, processing*					
			Food products, small scale processing*	C	C	C	C	P
			Food store*		C	C	P	P
			Fuel sales*					C
			Fuel yard					
			Health club*		C	C	P	P
			Healthcare and social service		C	C	P	P
			Home occupation*	P	P	P	P	P
			Hospital*					C
			Industry, flex*					C
			Industry, information*				P	P

			Kennel, hobby*	P	P	P	P	P
			Laboratory - medical, dental, optical				P	P
			Laundromat, self-service cleaner*			C	P	P
			Laundry and dry cleaning, commercial plant					C
			Laundry and dry cleaning establishment			C	C	C
			Lodging*			C	C	C
			Manufactured/mobile home park	C	C	C	C	C
			Mortuary*				C	C
			Nursery*				P	P
			Nursing and residential care*	C	C	C	C	C
			Parking facility		C	C	C	C
			Personal service*			C	P	P

			Professional service*			C	P	P
			Public service facility	C	C	C	C	C
			Public uses	C	C	C	C	P
			Recreational vehicle park*					C
			Research and development			C	P	P
			Retail production*	C	C	P	C	P
			Retail store			C	P	P
			School*	C	C	C	C	C
			Service provider*					C
			Small cell facility*	P	P	P	P	P
			Temporary use*	P	P	P	P	P
			Tobacco entertainment facility*					C
			Tobacco retail store			C	P	P

<table>
<tr><td></td><td></td><td>
<table>
<tr><td>Vehicle rental*</td><td></td><td></td><td></td><td></td><td>C</td></tr>
<tr><td>Vehicle sales*</td><td></td><td></td><td></td><td></td><td>C</td></tr>
<tr><td>Vehicle service*</td><td></td><td></td><td></td><td></td><td>C</td></tr>
</table>
</td></tr>
<tr><td>8-2B-3 Form Standards</td><td></td><td>The subject form standards are included below:

<table>
<tr><th rowspan="2">Zone</th><th rowspan="2">Max Height</th><th colspan="3">Setbacks</th></tr>
<tr><th colspan="2">Front</th><th>Rear Min</th><th>Interior Side Min</th><th>Street Side Min</th></tr>
<tr><th></th><th></th><th>Min</th><th>Max</th><th></th><th></th><th></th></tr>
<tr><td>R-2</td><td>35′</td><td>15'</td><td></td><td>15′</td><td>0′/ 5′*</td><td>20′</td></tr>
<tr><td>R-M</td><td>45′</td><td>15′</td><td></td><td>15′</td><td>0′/ 5′*</td><td>20'</td></tr>
<tr><td>R-3</td><td></td><td>5′</td><td></td><td>15′</td><td>0′/ 5′*</td><td>5′</td></tr>
<tr><td>R-20</td><td></td><td>5′</td><td></td><td>5′</td><td>0′</td><td>5′</td></tr>
<tr><td>C-2</td><td></td><td>5′</td><td></td><td>5′</td><td>0′</td><td>5′</td></tr>
</table>

* 0′ interior side setback within the development, 5′ to the adjacent property

While not every property has been fully vetted, staff is unaware of any form standard compliance issues that would be caused by this proposal. The area of biggest concern is the area that will be zoned from R-3 to R-M because of the height limitation and increased yard sizes.</td></tr>
<tr><td>Title 8, Chapter 6, Article A: Administration</td><td colspan="2"></td></tr>
<tr><td>8-6A-3 General Application Process</td><td>No compliance issues noted</td><td>The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.</td></tr>
<tr><td>8-6A-4 Required Application Information</td><td></td><td>Application waivers requested pursuant to 8-6A-4A included all application documents not necessary to process this application. This staff report acts as a compliance statement.</td></tr>
<tr><td>8-6A-7 Public Hearing Process</td><td>No compliance issues noted</td><td>The city provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided notice to each affected property and notifications to agencies with jurisdiction. As this matter affects more than 200 properties, alternative noticing as allowed by Idaho Statute 67-6511(b) procedures adopted through GCC 8-6A-7 was utilized.</td></tr>
</table>

		a. Posting of the notice in three (3) conspicuous locations within the city; b. Making notice available to all forms of media for use as a public service announcement; or c. Paid advertisement of notice in local print media and ran a 2"x4" legal notice in the Idaho Press, at least 15 days prior to the first hearing. This application was posted at the City Hall/ and notice was provided to all media types. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6511	The Local Land Use Planning Act requires that zoning ordinance including zoning districts: • Establish procedures that regulate development. • Provide clear and objective standards. • Be evaluated by the Planning and Zoning Commission. The Commission must consider the delivery of services and provide for a regulatory takings analysis[1]. • Be compliant with the Comprehensive Plan. I.C. § 67-6511(d), prohibits a governing board from changing zoning for a period of four years following a property-owner requested zone change because of vested rights. If the board violates this requirement, the statute grants standing to the property owner to challenge the action, and the rule prohibiting rezoning within four years may be judicially enforced. Property owners whose zoning status is changed within four years following a zoning determination shall have standing to enforce the provisions of I.C. § 67-6511.
Idaho Code 67-6511A	While a development agreement has not been formally proposed on any property, it is suggested that there are several properties that may benefit from the inclusion of a development agreement at a future date.
Idaho Code 67-6519	Garden City Code and procedures for the application granting process are consistent with The Local Land Use Planning Act Application Granting Process.

[1] A regulatory takings analysis will be done if requested.

	Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify: (a) The ordinance and standards used in evaluating the application; (b) The reasons for approval or denial; and (c) The actions, if any, that the applicant could take to obtain approval. Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.
Garden City Comprehensive Plan	Idaho Code 67-6511 notes that after considering the comprehensive plan and other evidence gathered through the public hearing process, ordinance amendments may be adopted or rejected, so as not in conflict with the Comprehensive Plan. Subsequently, an application need not satisfy every aspirational goal of the comprehensive plan, so long as it is not in direct conflict with specific provisions of the comprehensive plan.[2] Additionally, a required Conclusion of Law for zoning map amendments in Garden City is that the amendment is in conformance with the Comprehensive Plan. In this way the Garden City Zoning Code ensures that proposed zoning map amendments are not only required to be compatible with existing neighborhoods but are also progressing the vision that the community has for those neighborhoods. This application is in future land use designations of the Comprehensive Plan: **a)** Low Density Residential **b)** Medium Density Residential **c)** Activity Node: Neighborhood Destination **d)** Activity Node: Transit Oriented Development Node **e)** Green Boulevard Corridor The definitions are below. ***Residential Low Density:*** *The areas designated for low density residential are north of the river, and south of the river west of Glenwood. These areas are predominately single-family detached housing, although some areas of attached housing may be appropriate near major arterials and public facilities.* ***Residential Medium Density:*** *The residential medium density designation is shown for the areas north of Chinden and west of Glenwood. This*

[2] See 2023 Givens Pursley Land Use Handbook; page 41, with specifics beginning on page 46 for further discussion.

	designation allows for detached and attached dwelling units including duplexes and townhouses. ***Activity Nodes** are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan.* *Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential.* ***Green Boulevard Corridor:** The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians are needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-*modal *over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.* The proposed rezone that will bring zoning districts into alignment with the Comprehensive Plan is not only supported but encouraged by multiple sections of the plan. It ensures consistency, promotes housing diversity, and helps realize the community's long-term vision. Specifically, the Rezone application is supported by: The Future Land Use map Goal 1. Nurture the City a.) Objective 1.4: Create a premier destination place to live, work, and recreate.

	Goal 10: Plan for the Future: This goal emphasizes proactive planning and adaptation to changing conditions. a.) 10.4.3 Objective: Provide a transition in the height and scale of development that is compatible with the existing surrounding neighborhoods.