

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:) CPAFY2024-0003
)
Development Code Permit) FINDINGS OF FACT,
Extension Text Amendment) CONCLUSIONS OF LAW
Garden City, Ada County, Idaho) AND RECOMMENDATION
)

THIS MATTER came before the Garden City Council for consideration on July 22, 2024, August 12, 2024, and August 26, 2024. The City Council reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the City Council makes the following Findings of Fact, Conclusions of Law, and Decision.

FINDINGS OF FACT

1. The applicant is Garden City.
2. The application is to amend permit extensions by providing uniform and reasonable time periods for extensions on permits governed by the development code.
3. The following section of the Garden City Development Code are amended by this proposal:
 - a. 8-6A-8 Expiration of Approvals
4. The following application information was provided:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	NA	
X			Compliance Statement
	X		Master Plan
	X		Topographic Survey
	X		Natural Hazard and Resources Analysis

5. The following application information was provided in addition to the materials required by GCC Table 8-6A-2:
 - a. Application
 - b. Proposed ordinance language

- c. Redline of proposed changes to current ordinance
- d. Neighborhood meeting documents

6. The application was considered complete and hearing dates were set on July 11, 2024, from 5:00 p.m. to 7:00 p.m. for the Neighborhood Meeting, July 17, 2024, at 6:30 p.m. for the Planning and Zoning Commission Hearing, and July 24, 2024, at 6:00 p.m. for the City Council Hearing in accordance with GCC 8-6A-3.

7. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Neighborhood Meeting	Not more than 3 months or less than 1 day prior to the submittal of the application between 5:30pm and 8:00pm.	7/11/2024
Legal Notice	Published 15 days prior to the hearing	6/22/2024
Agency Notice	15 days prior to the hearing	6/20/2024
Public Service Announcement	15 days prior to the hearing	6/20/2024

- a. As part of the alternative posting allowance, notice was posted at the Garden City Hall, Garden City Police Department, Garden City Library, and Glenwood Fred Meyer on June 20, 2024
- b. As part of the alternative posting allowance, a legal notice of 2"X4" was provided in the Idaho Statesman on June 22, 2024.
- c. Additional notice was provided on Garden City social media platforms on July 10, 2024.

8. The agendas were posted in the Garden City lobby and on the Garden City website in accordance with Idaho Code 74-204.

9. Comments were received by the following agencies:

- a. Garden City Legal Department; documents dated 6-20-2024 and 7-22-2024.

10. Comments were received by the following members of the public:

- a. No public comments had been received at the time of this document's drafting.

11. On July 17, 2024, the Garden City Planning and Zoning Commission held a public hearing and recommended approval as drafted.

12. On July 22, 2024, the Garden City Council held a hearing:

- a. Mayor Evans introduced the application, including the order of the hearing.
- b. Jenah Thornborrow presented the application/ provided a staff report.
- c. Public Testimony
 - i. Testimony was received in favor by: No one.
 - ii. Testimony was received in opposition by Hannah Ball; Jason Jones requesting additional timeframes, and to remove a required finding.
 - iii. Neutral testimony was received by No one.
- d. Discussion:
 - i. Discussion on the intent of the code was had.
 - ii. The Council asked for a review of other jurisdictions' expiration code.
- e. Motion:
 - i. Councilmember Jorgensen moved to continue the hearing until a date certain of August 12, 2024.
 - ii. Council President Page seconded the motion.
 - iii. There was no discussion on the motion.
 - iv. Decision: unanimous support of the motion.

13. During the August 12, 2024, public hearing:

- a. Mayor Evans introduced the application, including the order of the hearing.
- b. Brian Seeger presented the application/ provided a staff report.
- c. Public Testimony was received in favor by: No one.
- d. Discussion:
 - i. The Council discussed efficiency versus accountability.
 - ii. A reasonable timeframe.
- e. On separate motions the council moved that the ordinance should incorporate:
 - i. A two-year approval timeframe;
 - ii. A one-year extension; and
 - iii. Conditional use permits are subject to a one-year approval and extension review by the planning official.
- f. Motion:
 - i. Council President Page moved to continue the hearing until a date certain of August 26, 2024
 - ii. Councilmember Jorgensen seconded the motion.
 - iii. There was no discussion on the motion.
 - iv. Decision: unanimous support of the motion.

14. During the August 26, 2024, public hearing:

- a. Mayor Evans introduced the matter.
- b. No one was in attendance who wished to provide public testimony.
- c. Staff, Wadams noted that he felt that the words "vested" and "evoked" could be changed to be other words. He indicated that the draft for the second reading may have those words amended to be other words.
- d. The public hearing was closed.
- e. Council Member Jorgenson moved to approve the ordinance as drafted.
- f. Council Member Rasmussen seconded the motion.

- g. The motion passed unanimously.

15. The first reading of ordinance ORD1145-24 was read on August 26, 2024.

16. The second reading of ordinance ORD1145-24 was read on September 9, 2024.

17. The third, and final reading of ordinance ORD1145-24 was read on September 23, 2024.

18. The record contains:

- a. Application and application materials
- b. Noticing Documents
- c. Agency Comments
- d. Public Comments
- e. Staff Report
- f. Ordinance No. 1045-24
- g. Hearing agenda, minutes, and transcribable audio.

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

GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			<p>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</p> <p>Explanation:</p> <p>The text amendment is in compliance with the Garden City Comprehensive Plan's goals of Developing a Sustainable City and Nurturing the City.</p>
X			<p>Finding 2: The text amendment shall not be materially detrimental to the public health, safety, and welfare;</p> <p>Explanation:</p> <p>This proposal will unreasonably diminish the health, safety, or welfare of the community as defined in the purpose of the</p>

		Local Land Use Planning Act, Idaho Code 67-6502.
X		<p>Finding 3: The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city;</p> <p>Explanation:</p> <p>With a limitation on the number of years that an application can be extended, there is identified adverse effect upon the ability to provide public services within the city as a result of this code amendment.</p>

20. The record was reviewed by the City Council in its entirety to make a decision.

CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application meets the standards of approval under GCC 8-6B-5 Development Code Amendment.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the City Council hereby does **SUSTAIN** the Planning and Zoning Commission's recommendation, as amended, and **APPROVES** of the application, subject to the following conditions:

1. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.


John G. Evans, Mayor

September 23, 2024

Date