BEFORE THE GARDEN CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO
THIS IS NOT A PREDETERMINED DECISION. ALL EVIDENCE WILL BE CONSIDERED. A DIFFERENT DECISION MAY RESULT IN AN UPDATE OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, OR CONDITIONS

In the Matter of:	)	CPAFY2024-0004
	)	
Development Code Text Amendment	)	FINDINGS OF FACT,
"Buffers"	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
	)	

THIS MATTER came before the Garden City City Council for consideration on November 12, 2024, February 24, 2025, and May 27, 2025, and. The Garden City City Council reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City 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 the Garden City code to update the zoning code to refine buffer requirements between different land uses and intensities of land uses.

3. The following section of the Garden City Development Code are amended by this proposal:
   a. 8-2A-1 Base Zoning District General Provisions
   b. 8-2B Base Zoning District Provisions
   c. 8-4A Design and Development Provisions, General Provisions
   d. 8-4C Design Provisions For Nonresidential Structures
   e. 8-4I Lands and Tree Protection Provisions
   f. 8-4M Boise River Natural Resources
   g. 8-7A-2 Definitions of Terms

4. The applicant provided the following application information:

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

X[1]			Compliance Statement

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

6. The application was considered complete, and hearing dates were set on June 20, 2024, in accordance with GCC 8-6A-3.

7. The following noticing was completed in accordance with GCC 8-6A-7[2]:

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	At least 15 days prior to the hearing	6/22/2024 & 9/27/2024
Agency Notice	At least 15 days prior to the hearing	7/31/2024 & 9/24/2024
Public Service Announcement	At least 15 days prior to the hearing	6/20/2024& 9/24/2024

    a. As part of the alternative posting allowance, notice was posted at the Garden City Hall, Garden City Police Department, Garden City Library, and Garden City Fred Meyer, and Garden City social media.
    b. As part of the alternative posting allowance, a legal notice of 2”X4” was provided.

8. Additional noticing was provided:
    a. On the Garden City Facebook page
    b. On the Garden City Next Door page
    c. On the Garden City website

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

10. Agency comments were received from:

[1] The compliance statement is included in the staff report.
[2] The noticing was conducted for all hearings and the dates correspond to the first hearing date.

a. DEQ
b. IDWR

11. Written public comments were received from:
    a. Wendy Carver-Herbert
    b. Bob Taunton
    c. Andrea Fogelman
    d. David Davolt
    e. Dennis Fix
    f. Charles and Donna Patton
    g. Ken and Cathy Johnson

12. On 08/21/2024, before the Planning and Zoning Commission:
    a. The Commission indicated that a work session would be helpful.
    b. The hearing was continued to a date certain of October 16, 2024. During the September 18, 2024, meeting there will be a work session.

13. On 09/18/2024, a work session was held with the Planning and Zoning Commission.

14. On 10/16/2024, before the Planning and Zoning Commission:
    a. Chairman Montoya introduced the matter.
    b. Staff Jenah Thornborrow presented the matter and provided a staff report.
    c. Public testimony was heard from:
        i. Wendy Caver Herbert as a spokesperson for:
            1. River's Edge HOA (Gail Lynse)
            2. Willowbrook HOA (Terry Dean)
            3. Jeanne Jackson Heim
            4. Joann Musholt
            5. Kim Vermedal
            6. Don Smith
            7. Katie Jennings
        ii. Bonnie Layton.
    d. Staff, Thornborrow provided a rebuttal.
    e. Public Hearing closed.
    f. Discussion included the matters of testimony including:
        i. Density
        ii. Architectural variety
        iii. Fencing
        iv. Lighting
        v. Refuse
        vi. Tree growth
        vii. Heigh limitations
        viii. Addition of visual privacy for R-3
        ix. Sound

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x. Commissioner Brown added a document regarding noise to the record.

g. Commissioner Smith moved to approve the ordinance as drafted with the following modifications:
    i. Setbacks are modified to account for the mature growth of trees.
    ii. Visual privacy standards apply to the R-3 districts.
    iii. Limit the height in the R-3 district as drafted in previous versions of the draft ordinance.
h. Commissioner Brown seconded the motion
i. The motion passed on a 3/0 vote.

15. On November 12, 2024, before the City Council:
    a. Mayor Evans introduced the matter.
    b. Staff Jenah Thornborrow presented the matter and provided a staff report.
    c. Public testimony was heard from:
        i. Wendy Caver Herbert
        ii. Hannah Ball
    d. Council President Page moved to hold the public hearing open to a date certain of 12/09/2024 and Councilmember Rasmussen seconded.
    e. The motion passed on a 4/0 vote.

16. On December 9, 2024, the hearing was continued to a date certain of January 13, 2025, and a work session was held.

17. On January 13, 2025, the hearing was continued to a date certain of January 27, 2025, and a work session was held.

18. On January 27, 2025, the hearing was continued to a date certain of February 10, 2025, and a work session was held.

19. On February 10, 2025, the hearing was continued to a date certain of February 24, 2025.

20. On February 24, 2025, at the City Council hearing:
    a. Mayor Evans introduced the matter.
    b. Staff Jenah Thornborrow provided a staff report.
    c. Public Testimony was received by:
        i. Wendy Carver-Herbert;
        ii. Carol Leighton;
        iii. Bob Sorvaag;
        iv. Jeanne Jackson-Heim signed up but did not provide testimony.
    d. Staff, Jenah Thornborrow provided a rebuttal.
    e. The public hearing was closed.
    f. Council President Page moved to have the first reading of ordinance 1050-24.
    g. Council Member Rasmussen seconded the motion.

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21. The first reading of ordinance 1050-24 was held on February 24, 2025.

22. On March 10, 2025, City Council discussed changes to the ordinance.

23. On April 14, 2025, the City Council reviewed changes and made a determination that the changes were substantial, and a new hearing would be required.

24. On May 12, 2025, a work session was held with the City Council.
    a. The Council directed to separate ordinance 1050-24 into two ordinances. Ordinance 1050-24 will be for the creation of the zoning district R-M, residential medium density. Ordinance 1057-25 will be for the remainder of the matters that are addressing buffering.

25. On May 27, 2025, a hearing was held with the City Council.
    a. To be updated to reflect the proceedings.

26. The first reading of Ordinance 1057-25 second reading of Ordinance 1050-24 was held on May 27, 2025.

27. The second reading of Ordinance 1057-25 and third reading of Ordinance 1050-24 was held on June 9, 2025.

28. The City Council adopted and published Ordinance 1050-24 on June 9, 2025.

29. The third reading of Ordinance 1057-25 was held on June 23, 2025.

30. The City Council adopted and published Ordinance 1057-25 on June 23, 2025.

31. The record contains:
    a. Application and application materials,
    b. Noticing Documents,
    c. Agency Comments,
    d. Public Comments,
    e. Staff Report,
    f. Planning and Zoning Commission Recommendation,
    g. Planning and Zoning Commission hearing minutes and audio,
    h. City Council hearing minutes and audio,
    i. City Council Decision, and
    j. Ordinance 1050-24.
    k. Ordinance 1057-25.

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

GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS	
Conclusion	

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Compliant	Not Compliant	Not Applicable to this Application	**Reasoned Statement**s
X			**Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.**
			Explanation: The text amendment is in compliance with the Garden City Comprehensive Plan as follows: Under Goal and Objectives 1.3, this text amendment will help to consider the needs of all citizens, businesses, and the environment by specifically adding in a new zoning district (R-M) that is to provide for a mixed-use zoning district that is intended to encourage higher density residential and nonresidential uses. 1.4 Create a premier destination to live work and recreate, 2.1 Encourage distinct neighborhoods, 6 Diversity in Housing; 9 Sustainable City, 12 Evolve as a Destination support the changes to the ordinance.
X			**Finding 2**: **The text amendment shall not be materially detrimental to the public health, safety, and welfare**;
			Explanation: This proposal will not unreasonably diminish the health, safety, or welfare of the community as defined in the purpose of the Local Land Use Planning Act, Idaho Code 67-6502. Rather the amendment will protect property rights
X			**Finding 3**: The text amendment shall not result in an adverse impact upon the delivery of services by any political

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			subdivision providing public services within the city;
			Explanation: There is no identified adverse effect upon the ability to provide public services within the city as a result of this code amendment**.** This proposal was sent to all political divisions that govern within Garden City. No agency provided comment. The areas of public testimony centered around density and height. The Council discussed at length the best height to impose on the proposed new district, R-M as 45' to accommodate design considerations such as vaulted ceilings in single family homes. A density of 15 units per acre was identified as the best middle ground between the R-2 zoning designation and the R-3 zoning designation. The Council opted not to include a new height restriction for the R-3 zone as it could have adverse impacts for existing properties.

33. The record was reviewed by the City Council in its entirety to make a recommendation to the City Council.

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CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and Idaho Code sec. 67-6535, and based on the conditions required herein, concludes the application meets the standards of approval under GCC 8-6B-5 Development Code Amendment and Idaho Code sec. 67-6535 for the reasons stated in the reasoned statements.

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 modified and **GRANT** the application, subject to the following conditions:

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.

6/23/2025

Mayor, John G. Evans Date

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