

STAFF SUGGESTED DECISION

BEFORE THE PLANNING AND ZONING COMMISSION
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:) CUPFY2025 - 0014

Conditional Use Permit)
4115 N Adams Street)
Garden City, Ada County, Idaho)

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECISION**

THIS MATTER, came before the Garden City Planning And Zoning Commission for consideration on November 19, 2025. The Planning and Zoning Commission reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The request is for the use of Industry, flex defined by Garden City Code 8-7A-1 as "The use of a multi-tenant structure for the uses of: equipment rental and sales; light industry; motorcycle sale, service, storage rental; service provider; storage yard; vehicle service or other permitted uses within the zoning district which it is in."
2. The applicant is Erik Hagen.
3. The property owner of record is BROWN ARTHUR E.
4. The location of the project is 4115 N Adams Street.; Ada County Assessor parcel number(s) R2734501563; PAR #1563 CTR POR OF LOTS 16-17 BLK 05 FAIRVIEW ACRES SUB NO 01 #1561-B
5. Legal Lot of Record: Yes
6. The subject property is 0.717 acres or 31,233 SF.
7. The scope of the request applies to the entire property.
8. The project is located in the C-2 Mixed Use Commercial zoning district.

9. The project is located in the Green Boulevard Corridor; Main Street Corridor ; Activity Node: Neighborhood Destination; Neighborhood Node: Transit Oriented Development ; Mixed Use Commercial of the Garden City Comprehensive Plan Land Use Designation.
10. The project is in the:
 - a) 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
11. The existing use on the site is Occupied by different tenants.
12. The following standards apply to this proposal:
 - a. Garden City Code 8-1A-4 Applicability
 - b. Garden City Code 8-1B Existing Nonconforming Properties, Structures, and Uses
 - c. Garden City Code 8-2B Base Zoning District Regulations
 - d. Garden City Code 8-2C Land Use Provisions
 - e. Garden City Code 8-4A Design and Development Regulations- General Provisions
 - f. Garden City Code 8-4D Parking and Off Street Loading Provisions
 - g. Garden City Code 8-4E Transportation and Connectivity Provisions
 - h. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - i. Garden City Code 8-6A Administration
13. The following plans and policies apply to this proposal:
 - a. Garden City Comprehensive Plan
 - b. Garden City Sidewalk Policy
 - c. Garden City Street Light Policy
 - d. Garden City Transportation Needs List
14. The following previous approvals apply to this proposal:
 - a. None identified;
15. Required materials per Garden City Code Table 8-6A-2 Required Application Information was provided:

Conditional Use Permit		
Provided		
Yes	No	NA
X		Compliance Statement
X		Neighborhood Map
X		Will Serve

16. Additional application materials submitted include:

- Site Plan;
- Landscape Plan;
- 300' Neighborhood List;
- Affidavit of Legal Interest;
- Application;
- Statement of Intent.
- Site Photos.
- Warranty Deeds

17. Agency Comments were received from:

- Garden City Engineer, October 11th, 2025.
- Idaho Transportation Department, October 1st, 2025.
- Idaho Department of Environmental Quality, October 6th, 2025.
- Republic Services, September 29th, 2025.

18. Public comments were received from:

- None

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

Noticing Requirement	Required Date	Completion Date
Receipt of application		9/25/2025
Letter of Acceptance	10/25/2025	10/17/2025
Radius Notice	11/4/2025	10/30/2025
Legal Notice	10/31/2025	10/24/2025
Agency Notice	11/4/2025	9/29/2025
Property Posting Sign	11/9/2025	10/31/2025
Affidavit of Property Posting and Photos	11/12/2025	11/7/2025

20. Additional noticing includes:

- None;

21. On November 19, 2025, a public hearing before the Planning and Zoning Commission was held:

- This section will be completed after the hearing.

22. The record contains:

- Application Documents
- Noticing Documents
- Agency Comments
- Written Public Comments
- Staff report

- f. November 19, 2025, Planning and Zoning Commission Hearing Minutes and Audio
- g. Planning and Zoning Commission Signed Findings of Fact, Conclusions of Law and Decision

23. The record was reviewed by the Planning and Zoning Commission to render the decision.

CONCLUSIONS OF LAW

The Planning and Zoning Commission reviewed the application with regard to Garden City Code Title 8, and based on the conditions required herein, concludes the application **meets/does not meet** the standards of approval under **GCC 8-6B-2 Conditional Use**.

The below are staff suggested conclusions and reasoned statements to support those conclusions. The Planning and Zoning Commission will review the record in its entirety. They may select the explanations provided by staff or they may amend the conclusions or explanations based upon their review of the record.

Finding	Standard
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS	
Application is/ is not compliant with standard/	<p>1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>The proposed Industry, Flex use is located within the C-2 Mixed Use Commercial zoning district, where such uses are allowed subject to approval of a conditional use permit. The site has supported commercial activities for more than 40 years, including a small engine repair shop, a retail store for mobile home parts, a manufacturer and retailer of canvas cover for vehicles and recreational equipment, and a motorhome and tent trailer rental business. The existing building will remain unchanged, and the proposed site improvements, including updated landscaping, fencing, and parking, will help the property better integrate with adjacent uses and the surrounding neighborhood.</p>
Application is/ is not compliant with standard/	<p>2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>The site is served by existing infrastructure, including sidewalks, utilities, and vehicular access from Adams Street. The applicant proposes to construct a concrete pathway connecting the existing sidewalk along Adams Street to the internal pedestrian circulation system. Comments from the Garden City Engineer and Republic Services have been incorporated into the draft conditions of approval, which require</p>

	<p>compliance with stormwater management and trash enclosure standards.</p> <p>Landscaping and fencing improvements are also conditioned to promote pedestrian safety and enhance visual compatibility with surrounding properties. No adverse impacts have been identified that cannot be adequately mitigated through these conditions.</p>
Application is/ is not compliant with standard/	<p>3. The use will not unreasonably diminish either the health, safety, or welfare of the community.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>The proposed use will not unreasonably diminish the health, safety, or welfare of the community, provided that conditions of approval are implemented to address identified concerns.</p> <p>The project includes pedestrian pathways and ADA-compliant parking, enhancing accessibility and safety for users of the site.</p> <p>Conditions of approval have been drafted to ensure compliance with applicable standards for noise, lighting, fencing, and screening, thereby minimizing potential impacts on the public realm.</p>
Application is/ is not compliant with standard/	<p>4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>Pursuant to Idaho Code § 67-6512(a), special or conditional use permits may only be issued when the proposed use is not in conflict with the adopted comprehensive plan. This statutory language establishes a threshold that is less stringent than requiring full alignment; a use need not be “in accordance with” the plan, but it must not contradict its goals or policies.</p> <p>Conditional use permits are treated distinctly under Idaho law because they authorize uses that may not conform to the standard zoning regulations for a given area. In effect, they function as site-specific exceptions, that require careful evaluation to ensure compatibility with the broader vision for community development.</p> <p>The property is located within several Comprehensive Plan designations, including Mixed-Use Commercial, Activity Node, Main Street Corridor, and Green Boulevard Corridor designations.</p> <p>The proposed landscaping and fencing improvements advance the City’s objectives for site beautification and pedestrian-oriented design.</p> <p>The use is consistent with, and does not conflict with, any adopted plans or policies.</p> <p>The project supports the following goals:</p>

	<p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> 12.1 Objective: Support a positive business environment 12.2 Objective: Continue to support commercial and industrial land uses.
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DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning and Zoning Commission hereby **APPROVES/ DENIES** of the application subject to the following conditions:

POTENTIAL CONDITIONS FOR APPROVAL DECISION

Application Specific Requirements:

Scope of Permit:

1. The scope of this permit is to allow for the use of an Industry, Flex located at 4115 N Adams Street.
2. Construction noise that is disruptive to the neighborhood shall be limited to Monday through Saturday from 7:00 am to 8:00 pm unless residents within 300' and the city have been notified in advance of the specific days which it will be necessary to exceed this limitation.

Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. An Occupancy Analysis Review to complete business compliance verification shall be applied for and approved by Garden City Development Services Department.
 - a. The building permits must be in conformance with the approved plans. Staff may approve minor changes to the approvals so if they are compliant with Garden City Code including:
 - i. Substitutions of plant species, if there is no reduction in landscaping and the species are comparable in height and width. Substitutions of

trees must be of the same or larger tree classification and be comparable or larger in tree canopy and height.

- ii. Less than 5% of rearrangement of elevations or building façade materials if there is no reduction in building modulation, fenestration, or glazing.
- iii. Less than 5% of rearrangement of site.

3. A public works and utility permit shall be submitted for review and approval of the site work.

4. Fencing on-site and gate, shall meet Garden City Code 8-4A-3 Fences and Walls standards:

- a. All chain link (with and without barbed wire) fencing visible from the right-of-way, including the gate, shall be removed from the property.
 - i. Fencing is required to be removed or replaced along Adams Street, Veterans Memorial Parkway (VMP), and the common property lines shared with 306 E 41st Street.
 - 1. If any portion of the fencing does not belong to 4115 N Adams Street, affidavit of non-ownership shall be submitted
 - ii. If replaced, all the new fence and gate shall be compliant with Garden City Code 8-4A-3 standards.
 - i. Fences 6' in height shall be set back a minimum of 10' from the back of the sidewalk, to allow for street trees and landscaping between the fence and the sidewalk system.
 - 1. The area between the fence and the sidewalk shall be maintained with Type A or Type B landscaping.
 - 2. The planting materials shall include a mix of deciduous and evergreen varieties, consistent with the intent of screening landscaping.
 - ii. The existing fence along the common property line shared with 318 E. 41st Street and 4105 N. Adams Street, which is not visible from the public right-of-way, may remain in place.

5. Vehicle Parking:

- a. All vehicle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3.
- b. There shall be a minimum of 7 vehicle parking spaces provided.
 - i. All off-street parking areas for nonresidential uses shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions.
 - ii. Type B perimeter landscaping is required along the parking lot frontage on Veterans Memorial Parkway and Adams Street.
 - iii. All off-street parking areas for nonresidential uses shall be provided with a substantial wheel restraint to prevent cars from encroaching

upon abutting private and public property or overhanging beyond the designated parking stall dimensions.

6. Bicycle parking:

- a. All bicycle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3.
- b. There shall be a minimum of 7 vehicle parking spaces provided.
- c. Be a minimum space six feet (6') long by two feet (2') wide;
- d. On-site spaces shall be located within fifty feet (50') of the building entrance(s);
- e. Be separated by a physical barrier to protect the bicycles from damage by motor vehicles if located within a motor vehicle parking area. The physical barrier can be curbs, poles, wheel stops, or other similar features;
- f. Be visible, unless specified for the use of tenants, in which case the bicycle parking spaces must be covered;

7. Off-Street Loading Zones Space And Access Requirements:

- a. All spaces shall have fourteen feet (14') of vertical clearance;
- b. On-site drive aisles, on-site parking, or private roads may be designed to have a dual purpose to accommodate the required loading;
- c. Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements and the vehicle and pedestrian circulation standards in chapter 4, article E of this title, Transportation And Connectivity Provisions;
- d. Loading areas shall be designed so vehicles shall not back out into the street or project into the public right-of-way or setback area;
- e. Loading zones may not impede bicycle lanes, multiuse paths, sidewalks, or motor vehicular travel on public roads;
- f. Convenient access to loading spaces shall be provided with not less than fifteen feet (15') in width.

8. All on-site service areas for waste, recycling, and trash, as well as equipment areas for transformers and utility vaults, must be either located out of public view or screened from adjacent properties and public streets using a privacy fence, in accordance with Garden City Code.

9. Mechanical equipment, including HVAC units, trash dumpsters, recycling containers, and other service-related infrastructure must be integrated into the overall building and landscape design. These elements must be visually and acoustically contained to minimize impacts on surrounding properties and the public realm.

- a. Structures less than one hundred twenty (120) square feet, including, but not limited to, trash enclosures and storage sheds may encroach into the perimeter landscape area so as long as they are screened from view.

- b. The trash enclosure shall comply with Republic Services requirements.
- 10. All stormwater systems shall be deemed permissible and may remain in operation. Any such approved stormwater system found to be in a state of disrepair, deterioration, or non-functionality shall be subject to mandatory reconstruction or rehabilitation.
 - a. Stormwater integration standards apply to all site improvements and ACHD managed facilities.
 - b. Stormwater systems shall be designed and constructed in accordance with GCC §8-4A-7.
 - c. Stormwater swales incorporated into required landscape areas must be vegetated with appropriate plant materials, such as grass or drought tolerant species. These swales must also accommodate the required number of trees per GCC §8-4I-4A. All plant materials must be capable of withstanding anticipated variations in soil moisture and wetness.
- 11. Any modifications to the irrigation system shall require approval from Fairview Acres.
- 12. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - a. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
 - i. A minimum of 1,562 SF of landscaping is required.
 - b. A minimum of one class II or class III tree shall be planted in the frontage of every adjacent streetside.
 - i. The frontage of Veterans Memorial Parkway shall have a total of 5 Class II or III trees.
 - ii. The frontage of Adams Street shall have a total of 4 Class II or III trees.
 - 1. Class I trees are appropriate for locations where overhead utilities or nearby building proximity limit the planting of larger tree species.
 - c. A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.
 - i. A minimum of 2 trees shall be planted internally on the site, along with a minimum of 9 shrubs
 - d. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants.
 - i. Use of mulch, organic or rock, as the only ground cover in required planting areas is prohibited.
 - e. Parking lots shall be designed in accordance with GCC 8-4I, Landscaping And Tree Protection Provisions.
 - i. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.

13. All City Engineer Comments shall be addressed.

Site Specific Requirements for the Duration of the Use:

1. Industry, Flex use requirements:

- a. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of five hundred feet (500') from any abutting residential districts.
- b. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of one thousand feet (1,000') from a hospital.
- c. The following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:
- d. Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments.
- e. Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.
- f. Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.
- g. A use in this category may require approval from the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, the Ada County air quality board and Idaho Department of Water Resources.

2. Service Provider use requirements:

- a. No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.
- b. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
- c. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.
- d. The site shall not be used as vehicle wrecking as herein defined.
- e. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.
- f. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.
- g. Outdoor storage areas shall comply with section 8-1C-3, Property Maintenance Standards, of this title.

3. Equipment Rental and Sales use requirements:

- a. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.

- b. All equipment repairs shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.
- c. Damaged or wrecked equipment shall not be stored on site for purposes other than repair.
- d. All equipment shall be parked on site and not in adjoining streets or alleys.
- e. All discarded vehicle parts or equipment, or permanently disabled, dismantled, or junked vehicles shall be removed from the premises within thirty (30) days of arrival.
- f. All new structures constructed for equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights of way.

4. Vehicle Service use requirements:

- a. The use shall have a minimum site area of fifteen thousand (15,000) square feet.
- b. All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within a structure.
- c. Any spray booth must be approved by the fire authority and building official.
- d. All parts, inventory and vehicles waiting to be repaired shall be kept inside an entirely enclosed building or hidden behind a privacy fence or other visual barrier as set forth in section 8-2C-37, Storage Facility Or Yard, of this article.
- e. All new structures constructed for vehicle/equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights-of-way.
- f. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure.
- g. No servicing of trucks in excess of one and one-half (1-1/2) ton capacity or industrial equipment of any type or character shall be allowed in the commercial district without a conditional use permit.
- h. All vehicle/equipment repair uses and related activities shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.
- i. Damaged or wrecked vehicles shall not be stored on site for purposes other than repair.
- j. All vehicles that are repaired and are waiting to be picked up by the owner of the vehicle shall be parked on site and not in adjoining streets or alleys.
- k. All discarded vehicle parts or equipment, permanently disabled, dismantled, or junked vehicles, or tires shall be removed from the premises within thirty (30) days of arrival.
- l. All paved and unpaved areas shall be maintained grease and oil free.

5. If a use is listed in the Industry Flex list but is prohibited within the C-2 Zoning District, it shall not be allowed.
6. Any other permitted uses allowed in the C-2 Zoning District shall be permitted within the Industry Flex use.
7. Any specific standards for certain allowed uses, including both permitted and conditional uses as set forth in the C-2 Zoning District, shall comply with Section 8-2C, Land Use Provisions of the Garden City Code.

General Requirements

1. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
2. This Conditional Use Permit shall not be transferable from one parcel of land to another. Unless otherwise stated in the conditions attached to a permit, the permit shall be granted to the applicant and successors in interest to the premises for which it was approved.
3. This approval is only approval of the conditional use permit. All other applicable permits must be obtained and completed prior to a certificate of compliance or occupancy.
4. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
5. Final approval is subject to the approval of other reviewing agencies and City Departments. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail.
6. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations.
7. The property owner is responsible to maintain the site to edge of roadway asphalt.
8. If there are any tree grates, they shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.
9. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead and diseased plant materials shall be replaced.

10. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
11. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
12. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
13. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
14. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
15. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils, or planted with sufficient space to provide for the full maturity of the particular tree species. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
16. The landscape installation shall stabilize all soil and slopes.
17. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
18. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
19. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
20. Property maintenance standards shall be maintained as required by Garden City Code.
21. The property owner is responsible for the maintenance of all landscaping and screening devices required.
22. All outdoor service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.
24. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.
25. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
26. No change in terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his or her authorized representative and an authorized representative of the reviewing agency. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Garden City.

27. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
28. Any violation of the conditions of this application is a criminal offence.
29. A certificate of occupancy or an application for a building permit shall be considered commencement of the use.
30. All previous uses are null and void unless otherwise conditioned.
31. Should there be a change in use, there is a clear intent to cease the use, or the use is discontinued for more than one year without written documentation submitted to the City, legal noticing, and property posting indicating intent to continue the use, this approval shall become void.
32. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
33. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
34. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code .
35. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
36. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
37. A takings analysis pursuant to Idaho Code may be requested on final decisions.
38. 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.

Chairman, Planning and Zoning Commission

Date