

**STAFF SUGGESTED DECISION**

BEFORE THE GARDEN 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:	)	ZONFY2025-0001
	)	
Rezone	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND RECOMMENDATION
_____	)	

THIS MATTER came before the Garden City Planning and Zoning Commission or consideration on 9/17/2025. The Garden City Planning and Zoning Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Recommendation:

**FINDINGS OF FACT**

1. The applicant is the City of Garden City.
2. The location of the project is multiple properties west of Glenwood Street.
  - a. Proposed Rezone from R-3 to R-2 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; 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

- b. Proposed Rezone from R-2 to R-M 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

- c. Proposed Rezone from R-3 to R-M 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
  - d. Proposed Rezone from R-20 to R-3 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
  - e. Proposed Rezone from R-20 to C2 addresses: W Charlie Ln 10140; W State St 9655
- 3. There are numerous property owners of record.
  - 4. The application will 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
  - 5. The properties are currently located in the R-2, R-3, and R-20 zoning districts.
  - 6. The project is in the Garden City Comprehensive Plan Future Land Use Designations:
    - a. Low Density Residential
    - b. Medium Density Residential
    - c. Activity Node: Neighborhood Destination
    - d. Activity Node: Transit Oriented Development Node
    - e. Green Boulevard Corridor
  - 7. The following standards apply to this proposal:
    - a. Garden City Code 8-1A-4 Applicability
    - b. Garden City Code 8-2B-1 Purpose
    - c. Garden City Code 8-2B-2 Allowed Uses

- d. Garden City Code 8-2B-3 Form Standards
  - e. Garden City Code 8-6A-3 General Application Process
  - f. Garden City Code 8-6A-4 Required Application Information
  - g. Garden City Code 8-6A-7 Public Hearing Process
  - h. Garden City Code 8-6B-10 Annexation and Zoning Map Amendment
  - i. Idaho Code 67-6511
  - j. Idaho Code 67-6511A
  - k. Idaho Code 67-6519
8. As this is a city-initiated application a waiver of application materials is requested, as they are duplicative to the staff reports, exhibits that will be in the ordinance, or otherwise unnecessary for the review of this application.
9. The following noticing was completed in accordance with GCC 8-6A-7<sup>1</sup>:

Noticing Requirement	Required Date	Completion Date
Neighborhood Meeting		7/30/2025
Radius Notice	8/5/2025	6/27/2025 and 6/30/2025
Legal Notice	8/5/2025	6/28/2025 & 8/29/2025
Agency Notice	8/5/2025	6/26/2025 & 8/29/2025
Public Service Announcement	8/5/2025	6/26/2025 & 8/29/2025
Public Posting	8/5/2025	6/26/2025 & 8/29/2025

- a. As part of the alternative posting allowance, notice was posted at the Garden City Hall, Garden City Police Department, Garden City Library, and Fred Meyer at 5425 W Chinden Blvd, Garden City, ID 83714
  - b. As part of the alternative posting allowance, a legal notice was provided.
10. Additional noticing was provided:
- a. On the Garden City Next Door site
  - b. To Interested Parties
  - c. On the Garden City website
11. The agendas were posted in the Garden City lobby and on the Garden City website in accordance with Idaho Code 74-204.
12. Agency Comments were received from:
- a. Department of Environmental Quality on June 30, 2025.

<sup>1</sup> The noticing was conducted for all hearings and the dates correspond to the first hearing date.

13. Written Public Comments were received from:
  - a. No public comments were received.
  - b. Beth Collier on July 30, 2025.
  - c. Charles Lefler on August 6, 2025.
  - d. Kali Carringer on July 30, 2025.
  - e. Terry Dean on July 30 and August 12, 2025.
  - f. Endy Carver-Herbert on August 18, 2025.
  - g. Karen Duke, Scott Dean, Michael and Linda Sutch, David Caswell, Pat Hoovestol, and Martha Campbell on August 19, 2025.
  - h. Joan Ross on August 20, 2025.
14. On August 20, 2025, a public hearing was schedule before the Planning and Zoning Commission. This hearing was continued to a date certain of September 17, 2025, due to lack of quorum.
15. On September 17, 2025, a public hearing before the Planning and Zoning Commission was held:
  - a. This section will be completed after the hearing.
16. The record contains:
  - a. Application form
  - b. Noticing Documents
  - c. Agency Comments
  - d. Public Comments
  - e. Staff Report
  - f. Planning and Zoning Commission Recommendation
  - g. August 20, 2025, Planning and Zoning Commission Minutes and audio
17. To approve a rezone application, the Decision Maker shall make the findings found in Garden City Code 8-6B-10 Zoning Map Amendment and Annexation Findings in the affirmative.
18. The record was reviewed by the Planning and Zoning Commission in its entirety to render a recommendation to the City Council.

## 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-10 Zoning Map Amendment and Annexation**. Below are the reasoned statements for this conclusion.

Below are suggested reasoned statements. The Planning and Zoning Commission may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.

### **GCC 8-6B-10 Zoning Map Amendment and Annexation: Required Findings**

**Standard 1:** The zoning map amendment complies with the applicable provisions of the comprehensive plan.

**Finding:** The application is compliant with this standard.

**Explanation of Finding (Reasoned Statement):** This proposal was initiated to better align the zoning with the Comprehensive Plan and is specifically tailored to best be in conformance with the Comprehensive Plan Future Land Use Map designations, while avoiding spot zoning.

This application contains properties that are in Comprehensive Plan's Future Land Use designations of:

- Low Density Residential
- Medium Density Residential
- Activity Node: Neighborhood Destination
- Activity Node: Transit Oriented Development Node
- Green Boulevard Corridor

The proposed zoning changes are designed to bring zoning into alignment with the Comprehensive Plan's Future Land Uses. They include the designations:

- Low Density Residential Comprehensive Plan designation → R-2 zoning district
- Medium Density Residential Comprehensive Plan designation → R-M zoning district
- Activity Node Comprehensive Plan designations → R-3 zoning district
- Green Boulevard Corridor Comprehensive Plan designation → C-2 zoning district

The proposed rezone that will not only bring zoning districts into alignment with the Comprehensive Plan future land use designations, but also is supported by:

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.

**Standard 2:** The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement.

**Finding:** The application is complaint with this standard.

**Explanation of Finding (Reasoned Statement):** The staff report dated August 20, 2025, includes a detailed analysis of how each proposed zoning district aligns with its purpose statement as defined in **Garden City Code 8-2B-1**.

- R-2 (Low Density Traditional Residential District): The rezone from R-3 to R-2 in areas designated as Low Density Residential directly aligns with the stated purpose of the R-2 zoning district: This zoning district is intended to implement the Comprehensive Plan's designation of low density residential.
- R-M (Medium Density Residential District): The rezone from R-2 and R-3 to R-M in areas designated as Medium Density Residential in the Comprehensive Plan directly aligns with the stated purpose of the R-M zoning district: This zoning district is intended to implement the Comprehensive Plan's designation of medium density residential.
- R-3 (Mixed-Use Residential District): The rezone of R-20 to R-3 in areas designated as Nodes directly aligns with the stated purpose of the R-3 zoning district: This zoning district is intended to implement the Comprehensive Plan's designations of residential 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.
- C-2 (Mixed-Use Commercial District): The rezone of R-20 to C-2 in the area in and adjacent to the Green Boulevard Corridor is supported by the purpose of the C-2 zoning district to apply to mixed use, while also not creating spot zoning.

**Standard 3:** The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect public health, safety, and welfare or impacts.

**Finding:** The application is complaint with this standard.

**Explanation of Finding (Reasoned Statement):** The proposed zoning map amendment will not be materially detrimental to public health, safety, or welfare.

Comprehensive Plan Application

The rezoning of properties is required to be compliant with the Comprehensive Plan. The Comprehensive Plan that is in effect at the time of the application must be utilized to make this determination.

The application of a rezone only to certain properties in a neighborhood may be perceived as an arbitrary exercise of the code and may constitute a spot zone.

#### Rezone Designations and Property Inclusions

The application avoids illegal spot zoning by ensuring that:

- The proposed zoning is in accord with the Comprehensive Plan.
- The zoning designations are consistent with adjacent zoning and do not isolate parcels for the benefit of individual owners.

#### Process and Transparency

The process used to evaluate and advance the application has been transparent and compliant with Garden City Code and Idaho Statutes. All required public noticing and engagement procedures were followed, and all timely public comments have been incorporated into the official record. This ensures that the process and decision is legally sound.

#### Property Exemptions and Clarification on Grandfathering

Requests for property exemptions have been carefully considered to avoid creating inconsistencies that could result in spot zoning. Additionally, the application does not rely on “grandfathering” provisions, as zoning changes are legislative actions that apply broadly and are not subject to individual vested rights in the same manner as existing uses.

Overall, the proposal reflects a thoughtful and legally compliant approach to zoning that supports the health, safety, and welfare of the community by promoting orderly development, preserving neighborhood character as envisioned in the Comprehensive Plan, and ensuring consistency with adopted planning policies.

#### Financial Considerations

Property taxes are not directly altered by zoning changes; rather, they are reassessed based on market conditions and allowable uses. The Ada County Assessor evaluates property annually using standardized methods, ensuring that any financial impacts are objectively determined and not inherently tied to the zoning amendment itself.

If anything, based on the reduction of redevelopment potential, an assessment which lowers property values is more likely than an increase in property values. However, the proposed downzone is unlikely to result in material financial detriment to the community. As downzoning generally reduces development potential it lowers service demand, thereby balancing the cost through easing infrastructure and public service burdens.

**Standard 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.



**Finding:** The application is compliant with this standard.

**Explanation of Finding (Reasoned Statement):** The proposed zoning map amendment will not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city, including school districts. With the exception of two built-out properties adjacent to State Street and a limited area proposed for rezoning from R-2 to R-M, the overall proposal constitutes a downzone. The majority of the affected properties proposed to be rezoned from R-2 to R-M are either already developed and also constrained by small lot sizes and existing zoning regulations, making a significant increase in density or intensive uses implausible. As a result, the proposed changes will reduce the intensity of allowable uses and density, thereby decreasing the potential demand on public services such as water, sewer, transportation, and education infrastructure. This reduction in service loading supports the conclusion that the amendment will not negatively affect the capacity or delivery of services by public agencies.

**Standard 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](#).

**Finding:** This standard is not applicable.

**Explanation of Finding (Reasoned Statement):** The application is not for an annexation of land.

## RECOMMENDATION

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

1. Remove 6800 N. Horseshoe Bend Road from the rezone proposal.
2. Amend the R-2 to R-M rezone to be R-M with a Development Agreement to limit the community's concerns to preclude additional permitted and conditionally permitted uses and height restrictions.
3. Continue the City Council's review of this application until a more complete rezone, as discussed in the staff report can be evaluated concurrently. A subsequent, concurrent application will include:
  - a. Initiate a rezone of the lots within the Ruby Subdivision with a Comprehensive Plan's designation of low density to R-2.
  - b. Initiate a 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. Initiate a rezone of 8695 W Marigold Street with a legally sound development agreement or once there is no longer a pending application. The rezone may be to R-M if the application is denied or withdrawn, or should the application be approved, provide a Development Agreement that allows for the height and density to be conforming.
4. 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.
5. Every final decision is subject to 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.
6. Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed, or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day timeframe for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

9/17/2025

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Vice Chairperson, L. Kent Brown

Date