

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	CPAFY2023-0002
)	
Development Code Extensions)	FINDINGS OF FACT,
Text Amendment)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION

THIS MATTER came before the Garden City, City Council for consideration on January 9, 2023, and for a formal decision on February 13, 2023. 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 the Garden City.
2. The application is to amend processes for extensions.
3. This proposal amends the following sections of the Garden City Development Code:
 - a. 7-1-6 Permit Time Limitation and Expiration.
 - b. 7-1-7 Permit Reactivation.
 - c. 8-4F-4 Permit Required.
 - d. 8-5B-6 Term of Permits.
 - e. 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

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, and
 - e. Work Session with Planning and Zoning Commission.
6. The application was considered complete, letter of acceptance was issued to the applicant, and hearing dates were set, 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 5:30 p.m. and 8:00 p.m.	November 17, 2022
Radius Notice	Alternative notice provided	N/A
Legal Notice	Published 15 days prior to the hearing	October 31, 2022
Agency Notice	15 days prior to the hearing	October 28, 2022
Public Service Announcement	15 days prior to the hearing	October 28, 2022

- a. On October 28, 2022, Garden City staff posted notice at, notice was posted at Garden City Hall, Garden City Police Department, Garden City Library, and Garden City Post Office as part of the alternative posting allowance.
- b. As part of the alternative posting allowance, a legal notice of 2”X4” was provided.

8. Garden City provided additional noticing:

- a. On the Garden City Facebook site.
- b. On the Garden City Next Door site.
- c. On the Garden City Chamber website.
- d. To Interested Parties.
- e. On the Garden City website.

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

10. The following agencies provided comment:

- a. Garden City Legal Department.

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

- a. None.

12. On December 21, 2022, the Garden City Planning and Zoning Commission:

- a. At the beginning of the meeting the Chairman asked if the applicant was in attendance and if they agreed with the draft findings of fact conclusion of law and recommended decision in the affirmative, if there was any member of the public who wished to testify in opposition to the application, or if the

staff or any member of the Commission have any reason that the application should be heard.

- b. The applicant is the city.
 - c. There was no one from the public who wished to testify.
 - d. The staff nor any member of the Commission noted a reason this item needed to be heard.
 - e. The application was moved to the consent agenda and approved.
13. On January 09, 2023, at the City Council public hearing:
- a. Mayor Evans introduced the application.
 - b. As the city is the applicant, no applicant presentation was provided.
 - c. Staff Jenah Thornborrow and Charles Wadams provided a staff report.
 - d. The following individuals provided public testimony:
 - i. Noone wished to provide testimony.
 - e. Mayor Evans closed the public hearing.
 - f. Decision:
 - i. Council Member Jorgensen moved to continue the decision to a date certain of February 13, 2023, to coincide with the third reading of Ordinance No.1032-22.
 - ii. Council Member Heller seconded the motion.
 - iii. The motion passed on a 4/0 vote.
14. The City Council read Ordinance No. 1032-22 by title only on January 09, 2023.
15. The City Council read Ordinance No. 1032-22 by title only on January 23, 2023.
16. The City Council read Ordinance No. 1032-22 by title only and moved to adopt the ordinance on February 13, 2023.
17. On February 13, 2023, at the City Council meeting:
- a. Council President Page moved to approve the application.
 - b. Council member Jacobs seconded the motion.
 - c. The motion passed on a 4/0 vote.
18. 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. December 21, 2022, Planning and Zoning Commission Minutes and audio.
 - h. January 9, 2023, City Council Minutes and Audio.
 - i. Signed Findings of Fact, Conclusions of Law, and Decision.
 - j. Ordinance No. 1030-22.

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

GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
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.</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>There is no identified adverse effect upon the public's health, safety, or welfare as a result of this code amendment.</p>
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>There is no 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 render the decision.

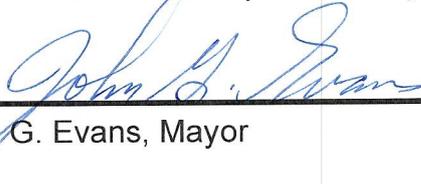
CONCLUSIONS OF LAW

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/ does not uphold the Planning and Zoning Commission recommendation and **APPROVES /DENTIES** 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

February 13, 2023

Date

