

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:) CPAFY2023-0001
)
Development Code Financial Surety) FINDINGS OF FACT,
Text Amendment) CONCLUSIONS OF LAW
Garden City, Ada County, Idaho) AND DECISION
_____)

THIS MATTER came before the Garden City, Planning and Zoning Commission for consideration on December 21, 2022. 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 Recommendation:

FINDINGS OF FACT

1. The applicant is the Garden City.
2. The application is to amend processes for financial sureties.
3. The following section of the Garden City Development Code are amended by this proposal:
 - a. 8-5A-6.C
 - b. 8-5B-7
 - c. 8-6A, adding section 15
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

- e. Work Session with Design Review Committee, and
 - f. 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 5:30pm and 8:00pm.	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. 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 Post Office on October 28, 2022
 - 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 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. Comments were received by the following agencies:
- 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: **To be completed to reflect the proceedings.**

13. 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. Draft Ordinance 1030-22

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

The draft findings are written both in approval and in denial. The City Council will select the corresponding findings in their motion for a decision.			
GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X	X		<p>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</p> <p>Explanation:</p> <p>In Approval: The text amendment is in compliance with the Garden City Comprehensive Plan.</p> <p>In Denial: The text amendment is not in compliance with the Garden City Comprehensive Plan's:</p> <p>List</p>
X	X		<p>Finding 2: The text amendment shall not be materially detrimental to the public health, safety, and welfare;</p>

			<p>Explanation:</p> <p>In Approval:</p> <p>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.</p> <p>In Denial:</p> <p>The proposal will be detrimental to and 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 for the following reasons:</p> <p>The proposal fails to: pick which applies</p> <ul style="list-style-type: none"> (a) To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks. (b) To ensure that adequate public facilities and services are provided to the people at reasonable cost. (c) To ensure that the economy of the state and localities is protected. (d) To ensure that the important environmental features of the state and localities are protected. (e) To encourage the protection of prime agricultural, forestry and mining lands and land uses for production of food, fiber and minerals, as well as the economic benefits they provide to the community. (f) To encourage urban and urban-type development within incorporated cities. (g) To avoid undue concentration of population and overcrowding of land. (h) To ensure that the development on land is commensurate
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			<p>with the physical characteristics of the land.</p> <p>(i) To protect life and property in areas subject to natural hazards and disasters.</p> <p>(j) To protect fish, wildlife and recreation resources.</p> <p>(k) To avoid undue water and air pollution.</p> <p>(l) To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.</p> <p>(m) To protect public airports as essential community facilities that provide safe transportation alternatives and contribute to the economy of the state.</p>
X	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>In Approval: There is no identified adverse effect upon the ability to provide public services within the city as a result of this code amendment.</p> <p>In Denial: The text amendment adversely affects the ability to provide public services within the city, because: LIST REASONS IDENTIFIED.</p>

15. The record was reviewed by the Planning and Zoning Commission in its entirety to make 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 the standards of approval under GCC 8-6B-5 Development Code Amendment.

RECOMMENDATION

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

POTENTIAL CONDITIONS FOR APPROVAL

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.

STANDARD CONDITIONS FOR DENIAL

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.

Chairman, L. Kent Brown

Date