

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:	)	SAPFY2026-0001
	)	
	)	
Specific Area Plan:	)	
Heron Commons SAP	)	FINDINGS OF FACT
	)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho	)	AND RECOMMENDATION
	)	

THIS MATTER came before the Garden City Planning and Zoning Commission for consideration on 5/20/2026 and 7/15/2026. 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 City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The application is for a Specific Area Plan.
2. The applicant is the City of Garden City.
3. The subject property owners of record are:
 - a. Lowe Damion
 - b. East Thirty Seventh Street LLC
 - c. Garden City Willow Reed LLC
 - d. Hernandez Richard J
 - e. Anderson Family Trust 4-17-2020
 - f. Bobp Mary Ellen & William David Revocable Trust 2-18-09
 - g. Hernandez Wendy
 - h. Hernandez Fabie
 - i. Anderson Stephen J
 - j. Erickson Patricia
 - k. Wheeler Loren R & Dana C Trust 09/20/2024
 - l. S4 Enterprises LLC
 - m. Ada County Highway District
 - n. Hyslop Dakota Bryan
 - o. Milanez Javier
 - p. Ada Distributing Co Inc

4. The subject properties are located:

- a. Street Addresses are: 220; 221; 301; 305; 317 E. 37th Street; 215; 300 ; 304; 308; 300; 306; 310; 311 **E. 38th Street**; 3700; 3775; 3799; 3800; 3807; 3824; 3825; 3832; 3833; 3845, S1005120600 (Bare Land) **N. Adams Street**; 3825; 3831; 3845 **N Reed Street**.
- b. Ada County Tax Parcel Number(s) are: R2734502585; R3459000061; R3459000035; R2734502610; R2734502623; R3459000049; R2734502637; R3459000012; R2734502575; R3459000022; R2734502617; R2734502627; R3459000051; R2734502631; R2734502590; R2734502617; R2734502575; R2734520441; S1005141700; R2734520174; S1005141650; R2734520190; R2734520390; S1005141695; S1005120600; R2734520200; R2734520430.
- c. The properties are legally described by the Ada County Assessor's Office as:
 - i. NW 195' LOT 14 & NW 195' OF NE 25' LOT 13 BLK 8 FAIRVIEW ACRES SUB #1
 - ii. LOT 6 BLK 1 EXC R/W DEE HARDIN SUB #0060B
 - iii. LOT 3 EXC NWLY 84' BLK 1 DEE HARDIN SUB #0030-B
 - iv. LOT 15 BLK 8 FAIRVIEW ACRES SUB NO 1
 - v. PAR #2623 POR LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB 1 #2621B
 - vi. PAR #0049 POR LTS 3 & 4 BLK 1 DEE HARDIN SUB #0048-B
 - vii. PAR #2637 POR LTS 16 & 17 BL 8 FAIRVIEW ACRES SUB #1 #2635-B
 - viii. PAR #0012 POR LOT 01 BLK 01 DEE HARDIN SUB #0011-B
 - ix. LOT 12 & SW 75' LOT 13 BLK 8 FAIRVIEW ACRES SUB NO 1 #2580-S
 - x. PAR #0022 POR LOT 02 BLK 01 DEE HARDIN SUB #0021-B
 - xi. PAR #2617 OF LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2615B
 - xii. PAR #2627 POR LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2625B
 - xiii. LOT 5 BLK 1 EXC R/W DEE HARDIN SUB #0050B
 - xiv. PAR #2631 OF LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2630B
 - xv. SE 105' LOT 14 & SE 105' NE 25' LOT 13 BLK 8 FAIRVIEW ACRES SUB #1
 - xvi. PAR #2617 OF LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2615B
 - xvii. LOT 12 & SW 75' LOT 13 BLK 8 FAIRVIEW ACRES SUB NO 1 #2580-S
 - xviii. LOTS 22 & 23 BLK 12 FAIRVIEW ACRES SUB NO 3

- xix. PAR #1700 @ CTR NE4 SEC 5 3N 2E #141690-B
- xx. LOTS 20 & 21 BLK 11 FAIRVIEW ACRES SUB NO 3 #0172 0178 C
- xxi. PAR #1650 OF S2NE4 SEC 5 3N 2E #9115156
- xxii. LOT 22 BLK 11 FAIRVIEW ACRES SUB NO 3 #8827750
- xxiii. LOT 12 BLK 12 FAIRVIEW ACRES SUB NO 3 #9213674
- xxiv. PAR #1695 IN CTR POR NE4 SEC 5 3N 2E & OF BLK 12 FAIRVIEW ACRES #3 R/S 9143
- xxv. PAR #0600 OF W2NE4 SEC 05 3N 2E
- xxvi. LOT 23 BLK 11 FAIRVIEW ACRES SUB NO 3
- xxvii. PAR #0430 NW POR LOTS 20 & 21 BLK 12 FAIRVIEW ACRES SUB NO 3.

5. The proposal includes 33.96 acres.
6. The properties have not been reviewed for determined to be legal lots of record.
7. The current zoning districts include Zoning District: R-3 Medium Density Residential & C-2 General Commercial.
8. The subject property is in the Future Planning Area (ACHD site), Main Street Corridor, Mixed Use Commercial, Mixed Use Residential, Future Park/ Open Space designations of the Comprehensive Plan Future Land Use Map.
9. There has been no denial of any application in the same form for the same use on this property within one year.
10. The following sections of the Garden City Development Code apply to this proposal:
 - a. Garden City Code 8-1A-4: General Regulations, Applicability
 - b. Garden City Code 8-2A-2: Official Zoning Map
 - c. Garden City Code 8-6A: Administration
 - d. Garden City Code 8-6B-6: Specific Area Plan
11. The following sections of the Garden City Development Code are added or amended by this proposal:
 - a. 8-8 Specific Area Plans
 - b. 8-8B Herron Commons District
12. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived	
X			Compliance Statement (via staff report)
		X	Preliminary Title Report
X			Neighborhood Map (via staff report)

X			Master Plan (within draft ordinance)
		X	Site Plan
		X	Topographic Survey
		X	Natural Hazards and Resource Analysis
		X	Dedications and Easements
X			Verification that address is an Ada County Approved Address (via staff analysis)

13. The application includes additional documentation to that which is required by the Garden City Code. All submitted application documents are a part of the record.

14. The following noticing was completed in accordance with GCC 8-6A-7¹:

Noticing Requirement	Required Date	Completion Date
Neighborhood Meeting		4/22/2026
Radius Notice	5/5/2026	4/3/2026
Legal Notice	5/5/2026	4/7/2026
Agency Notice	5/5/2026	4/3/2026
On site	5/10/2026	4/6/2026
PSA	5/5/2026	4/3/2026

a. While not required, public notice was posted at Garden City Hall, the Garden City Library, and Garden City Fred Meyer on 4/3/2026.

b. Email updates to interested parties.

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

16. Design Review Consultations were held:

a. May 4, 2026

b. May 18, 2026

17. Agency Comments were received from:

a. DEQ 4/6/2026

18. Written Public Comments received on or before May 12, 2026, were received from:

a. Dave and Gwen Twyver 05/ 07 &08/2026

b. Joe Jaszewsk 04/10/2026

c. Michelle Burkes 05/07/2026

d. Rick Kotze 05/08/2026

e. Curt Fransen 05/15/2026

19. On May 20, 2026, a public hearing before the Garden City Planning and Zoning Commission was held:

a. Chairman Montoya introduced the application.

¹ The noticing was conducted for all hearings, and the dates correspond to the first hearing date.

- b. Jenah Thornborrow provided a staff report.
 - c. Public Testimony was received by:
 - i. Ken Pyle
 - 1. Noted that the project timeline is fast.
 - 2. Emphasized that technology is rapidly advancing, and future parking needs may change.
 - 3. Requested that visuals be provided to aid understanding.
 - ii. David Twyver
 - 1. Stated that Option A is preferable due to height considerations, expressing a preference for two-story development.
 - 2. Opposed introducing cars on Adams Street.
 - 3. Commented that a five-year review period is too long.
 - iii. Norma Schaffer
 - 1. Requested that the project be made compatible with adjacent residential uses, noting that her home is a one-story structure directly next to the site.
 - iv. Nancy Baskin
 - 1. Expressed concern about the speed of the process, recommending a slower approach.
 - 2. Urged attention to the river and greenbelt, describing the project as a legacy opportunity.
 - 3. Noted that the Waterfront District height limit is 40 feet.
 - 4. Opposed vehicle access on Adams Street.
 - v. Louis Landry
 - 1. Described the project as a legacy project.
 - 2. Emphasized the need to protect the river.
 - 3. Opposed excessive building height.
 - 4. Requested a setback from the greenbelt.
 - 5. Stated that visuals would be helpful.
 - d. Jenah Thornborrow provided rebuttal.
 - e. Commissioner Smith moved to continue the hearing to a date certain of July 15, 2026, with an intermediary joint work session with the City Council.
 - f. Commissioner Brown seconded the motion.
 - g. The motion passed unanimously.
20. On June 17, 2026, there was a joint work session with the Garden City Planning and Zoning Commission and City Council.
21. On July 16, 2026, a public hearing before the Garden City Planning and Zoning Commission was held:
- a. To be completed to reflect the proceedings.
22. The record contains:
- a. Application and application materials
 - b. Noticing Documents

- c. Agency Comments
- d. Design Review Consultant Recommendations
- e. Public Comments
- f. Staff Report
- g. Planning and Zoning Commission Minutes and audio: May 20, 2026.

23. In consideration of a Specific Area Plan the decision maker shall make the following findings:

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-6: SPECIFIC AREA PLAN: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			Finding 1. The SAP application, as conditioned, is consistent with the city comprehensive plan, as amended, including the future land use map and the land use planning area guidelines and land use designations, if applicable. Reasoned Statement: This application is consistent with the future land use map designations: a) Future Planning Area b) Main Street Corridor c) Mixed Use Residential d) Mixed Use Commercial e) Future Park/ Open Space The application is providing for the Future Planning Area through the SAP designation. The ordinance will provide for mixed-use, requires open space, and addresses Adams Street which is designated as a Main Street Corridor. This application is supported by the goals and objectives:

			Goals • 1 Nurture the City • 2 Improve the City Image • 6 Diversity in Housing • 10 Plan for the Future • 11 Serve the City • 12 Evolve as a Destination Objectives and Action Steps • Amend the Land Use Code to improve the quality of development design through new land-use districts; zoning standards; and design regulations and review process. • Create a premier destination place to live, work, and recreate. • Encourage new and distinctive neighborhoods. • Encourage high quality design and landscaping, including the use of water features, in new development. • Explore the opportunities to create distinctive neighborhoods by defining the unique attributes of the individual neighborhood, the incentives needed to encourage those characteristics, and the design, architecture, and development standards to guide future development. • Create a vision for the design of all streets and highways consistent with the city's urban setting. • Include the pedestrian zone in the highway right-of-way to satisfy the City's Development Code requirements for open space. • Create public gathering places at multiple locations throughout the city. • Beautiful and landscape. • Encourage the use of non-potable water sources that are available to
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			new development, including the installation of pressurized irrigation systems where appropriate. • Beautify streets, sidewalks and gateways with landscaping, trees, and public art. • Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites. • Allow relocation of canals and drains where appropriate. Require mitigation of the impacts that closing water systems have on the groundwater and habitat. • Create pedestrian and bicycle friendly connections. • Amend the Development Code to facilitate destination and neighborhood centers that draw people to the location and are supported by transit as designated on the Land Use Map and described in the Land Use Designation for activity nodes • Provide a transition in the height and scale of development that is compatible with the existing surrounding neighborhoods. • Support a positive business environment. • Create a premier destination for work, recreation, entertainment, culture, and commerce. • Market the city to smaller businesses and support a positive environment for entrepreneurial businesses.
X			Finding 2. The SAP application, as conditioned, meets the minimum requirements of chapter 6 of the Garden City Development Code.

			Reasoned Statement: The SAP application meets the minimum requirements of Chapter 6, Article A. of the Garden City Development Code. • The application contains the required information and has been deemed complete. • No fees were required as it is a city initiated application. • All public notice requirements have been met. • The required design review consultation has been completed. • All required public hearings have been conducted. The SAP application meets the minimum requirements of Chapter 6, Article B: • An SAP may be used on any property in the City, including the application property, that would benefit from a master plan and phasing approach to ensure orderly planning and development. • Garden City Code encourages an SAP for the application property, which is defined in the Comprehensive Plan as a Neighborhood Destination Activity Node. • The application includes the required set of nontransferable zoning regulations. • All required pre-application meetings and neighborhood meetings have been held.
X			Finding 3. The SAP application promotes the orderly planning and development of land, as set forth in the purpose for this process.

			Reasoned Statement: The SAP purpose is to establish a specific area plan district with distinct nontransferable zoning regulations and a master plan with the goal of ensuring orderly planning and development of land. As discussed by the Council in its adoption of the Specific Area Plan ordinance (ORD. 1018-20): A Specific Area Plan, with its master plan and tailored zoning regulations, will promote orderly and efficient development patterns that avoid the conflicts and financial loss that occur with piecemeal development decisions. The SAP application, as conditioned promotes the orderly planning and development of the application property by: • Implementing the goals and objectives of the City's Comprehensive Plan, as amended, including the Future Land Use Map. • Contributing to the social, economic, and environmental sustainability of the city. • Contributing amenities. • Designating and protecting open space within the application boundaries. • Providing a mix uses, including a mix of house types and sizes. • Planning and coordinating the phased construction of infrastructure, including public facilities and transportation system components. As each detailed design phase of the project is brought back to the city the proposed development, guided by the concept master plan design vision, will be reviewed by the city to continually ensure orderly development including the phased
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			construction of public facilities (such as sewer, water, and irrigation facilities).
X			Finding 4. The SAP application will create a district that is identifiable as a distinct area of the city with a distinguishing character. Reasoned Statement: The Specific Area Plan application will create a district that is identifiable as a distinct area of the city with a distinguishing character because it establishes a unified and comprehensive regulatory framework that governs all properties within the Heron Commons SAP District and replaces underlying zoning with a cohesive set of standards, uses, and design requirements. Upon adoption, the ordinance becomes the governing zoning for the district, ensuring that development occurs in a coordinated and intentional manner rather than as a series of unrelated projects. (Draft Ordinance §8-8B-1). The ordinance establishes a clear purpose and intent for the district to function as a “regionally attractive destination” and a “high-amenity, integrated neighborhood” with direct engagement of the Boise River and Greenbelt, a walkable mixed-use environment, and a cohesive urban form. These provisions define both the functional role and the identity of the area within the broader city context. (Draft Ordinance §8-8B-1). The plan further creates a distinct physical and experiential character through the establishment of three coordinated subdistricts—the Public Interface (HCPI), Residential Edge (HCR), and Mixed-Use Core (HCMU)—each with specific purposes, use limitations, and form standards that collectively produce a recognizable pattern of development. The Public Interface Subdistrict emphasizes

			open space and river interaction, the Residential Edge provides transition to adjacent neighborhoods, and the Mixed-Use Core establishes the district's center of activity and intensity. This structured approach ensures that development contributes to a cohesive and legible district identity rather than fragmented or incompatible patterns. (Draft Ordinance §8-8B-5). Additionally, the ordinance requires defining infrastructure and public realm elements, including a primary pedestrian spine, continuous Greenbelt access, a canal pathway, and a network of public streets and connections. These elements are required to be publicly accessible, interconnected, and designed to prioritize pedestrian and bicycle movement, thereby creating a consistent physical framework and shared experience throughout the district. (Draft Ordinance §§8-8B-3, 8-8B-4) The staff report further supports that the proposal is intended to function as a cohesive, mixed-use destination with integrated open space, river access, and multimodal connectivity, distinguishing it from surrounding conventional zoning districts. The combination of unified zoning, coordinated infrastructure requirements, subdistrict organization, and consistent design standards will result in a district with a clearly identifiable character that is distinct within the City of Garden City. For these reasons, the application satisfies the finding that it will create a district that is identifiable as a distinct area of the city with a distinguishing character.
X			Finding 5. The SAP application has been noticed and public hearing held in accordance with Title 8 of Garden City Code.

			Reasoned Statement: This application has been duly noticed with: notices of neighborhood meetings; radius notice; agency notice; and on-site posting. In addition, notice was published at: the Garden City Hall; the Garden City Police Department; the Garden City Fred Meyer; the Garden City Next Door site; and the Garden City website. Interested parties were emailed notices and updates. Public meeting agendas were posted in the Garden City Hall lobby and the Garden City website. Public hearings before Planning and Zoning and the City Council were held in accordance with Title 8 of the Garden City Code.
X			Finding 6. The SAP application complies with all city zoning regulations and codes in effect at the time of the SAP application. Reasoned Statement: The SAP application includes its own nontransferable zoning regulations applicable in the SAP district (that is the “Heron Commons SAP District code”). As provided for Finding #2 in required Findings for GCC 8-6B-6 (above), The SAP application complies with all city zoning regulations and codes in effect at the time of the application.

GCC 8-6B-10 Zoning Map Amendment and Annexation: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X			Finding 1: The zoning map amendment complies with the applicable provisions of the comprehensive plan. Reasoned Statement: See Finding #1 in required Findings for 8-6B-6.
X			Finding 2: The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement. Reasoned Statement: The proposed zoning map amendment complies with the regulations outlined for the Heron Commons Specific Area Plan District, including the purpose and intent of the district, because it establishes a regulatory framework that directly implements the stated objectives of the ordinance. The purpose of the Heron Commons SAP District is to facilitate the transformation of the subject properties into a high-quality, integrated, mixed-use neighborhood that aligns with the Comprehensive Plan designations and functions as a regionally attractive destination. The proposed zoning map amendment is necessary to apply the SAP ordinance to the property, and upon adoption, will ensure that all future development is governed by the standards specifically crafted to achieve this vision. (Draft Ordinance §8-8B-1). The regulations established through the SAP District are directly structured to implement this purpose. The ordinance requires development that engages the Boise River and Greenbelt, provides

			publicly accessible open space, supports a walkable and multimodal environment, and incorporates a cohesive mix of residential, commercial, and civic uses. These requirements are not incidental, but are embedded throughout the regulatory framework, including the required public improvements, subdistrict organization, and design standards. (Draft Ordinance §§8-8B-1, 8-8B-3, 8-8B-5). The zoning map amendment applies these regulations uniformly across the subject properties, ensuring that redevelopment occurs in a coordinated and consistent manner that advances the district's stated purpose. As described in the staff report, the proposal is intended to create a vibrant mixed-use area with integrated open space, strong connections to the Greenbelt, and a pedestrian-oriented circulation system, all of which reflect and reinforce the purpose and intent of the SAP District. Because the zoning map amendment is the mechanism by which the purpose-driven standards of the Heron Commons SAP District are applied to the subject properties, and because those standards are specifically designed to achieve the stated purpose of the district, the amendment complies with the regulations outlined for the proposed district, including its purpose statement.
X			Finding 3: The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts. Reasoned Statement: The proposed zoning map amendment is not materially detrimental to the public health, safety, or welfare, and any potential

			impacts can be mitigated through the standards and requirements contained within the Heron Commons Specific Area Plan District ordinance. The amendment replaces existing zoning with a comprehensive, site-specific regulatory framework that provides greater clarity and control over development outcomes. The current zoning districts do not impose maximum height limits on portions of the property and allow a broader range of uses, including uses that may generate higher traffic volumes or greater impacts. In contrast, the proposed SAP District narrows permitted uses, establishes building height limits, organizes development into subdistricts, and incorporates design standards intended to ensure compatibility with surrounding development and the Boise River corridor. These provisions reduce the potential for adverse impacts associated with uncoordinated or higher-intensity development under existing zoning. The ordinance further includes requirements that directly address public safety and welfare considerations. Flood protection improvements are required to ensure that floodwaters associated with a FEMA-designated one-hundred-year flood event are contained within the district and do not adversely impact adjacent properties. Required public infrastructure, including streets, pathways, and accessways, must be constructed in coordination with development, ensuring safe and functional circulation for pedestrians, bicyclists, and vehicles. The circulation network is specifically designed to reduce the potential for cut-through traffic by prioritizing pedestrian and bicycle travel, limiting vehicular access, and incorporating traffic calming design strategies that discourage through
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			movement while supporting local access needs. In developing the proposed ordinance, staff considered public input and incorporated measures to address identified concerns, particularly related to traffic and neighborhood compatibility. The ordinance includes a structured approach to reducing impacts to adjacent residential properties through subdistrict tiering, which transitions development intensity from higher intensity mixed-use areas to lower scale residential edges. In addition to this tiering, design standards require building orientation, placement of windows and outdoor spaces, and the use of substantial landscape buffering, including large tree plantings, to mitigate privacy impacts and enhance the comfort and livability of adjacent homes. The ordinance also includes a performance-based evaluation process for the Adams Street connection, ensuring that if operational or safety concerns arise, there is a clear mechanism to further mitigate, restrict, or modify the connection based on documented conditions. Additionally, the proposal requires publicly accessible connections to the Boise River and Greenbelt, adherence to established setbacks, and integration with existing and planned infrastructure systems, all of which support safe access, environmental protection, and orderly development. Future subdivision, design review, and permitting processes will provide additional opportunities to evaluate and condition site-specific impacts such as traffic, drainage, utilities, and building design. As noted in the staff report, the proposed ordinance does not increase overall development intensity relative to existing zoning when evaluated across the district, and instead introduces additional
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			constraints, standards, and phased infrastructure requirements that ensure development occurs in a controlled and coordinated manner. Because the zoning map amendment applies a more refined and protective regulatory framework, incorporates infrastructure and safety requirements, and includes targeted measures to reduce transportation and compatibility impacts, it will not be materially detrimental to the public health, safety, or welfare.
X			Finding 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. 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, but not limited to, school districts. The amendment establishes a Specific Area Plan District that provides a comprehensive and coordinated framework for future development, including requirements for phased infrastructure delivery. The ordinance requires that key public improvements, such as streets, pathways, and flood protection facilities, be constructed or financially secured in conjunction with development. This ensures that infrastructure necessary to support future growth is provided in a timely and proportional manner, thereby preventing undue strain on existing public systems and services. The proposed SAP District does not increase overall development potential

			relative to the existing zoning when considered across the full district. While certain areas allow for redistribution of density, this is offset by limitations on building height, development coverage, and subdistrict-specific standards. Additionally, the ordinance narrows the range of permitted uses compared to existing zoning, reducing the potential for higher impact uses that could place increased demands on public services. The coordinated planning approach inherent in the Specific Area Plan ensures that development occurs in an orderly manner that aligns infrastructure capacity with development intensity. Future development applications will be subject to additional review processes, including subdivision, design review, and permitting, during which service providers—including utilities, transportation agencies, and school districts—will have the opportunity to evaluate and comment on site-specific proposals. Any necessary conditions or improvements related to service capacity can be required at that time to ensure continued adequate service levels. Because the zoning map amendment incorporates phased infrastructure requirements, does not increase overall development intensity beyond existing allowances, and provides opportunities for continued agency review at the time of development, it will not adversely impact the ability of public service providers to deliver services.
	X		Finding 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 <u>50-222</u>. Reasoned Statement:

			This application is not proposing annexation into Garden City; the property has been annexed into Garden City.
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GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan. See Finding #1 in required Findings for 8-6B-6. (above)
X			Finding 2: The text amendment shall not be materially detrimental to the public health, safety, and welfare; See Finding #3 in required Findings for 8-6B-10. (above)
X			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; See Finding #4 in required Findings for 8-6B-10. (above)

24. The record was reviewed in its entirety by the Planning and Zoning Commission to render the recommendation.

CONCLUSIONS OF LAW

The Garden City Council reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies/ does not satisfy** the required findings under GCC 8-5B-6.

DECISION

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

1. Approval of this application is for:
 - a. Approval of the Zoning Code Amendment.
 - b. Approval of rezoning the subject properties to Heron Commons Specific Area Plan (SAP) District, designated as SAPD-02.
 - c. The approval of the conceptual Master Plan.
2. The lot(s) must be verified by the city as a legal lot of record or made into a legal lot of record prior to development.

General Conditions:

1. This approval is for a Specific Area Plan.
2. The approval is specific to the application provided and reviewed.
3. This rezone decision document does not grant the approval of any specific use.
4. If this rezone is a result of a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.
5. The applicant shall comply with all requirements of the reviewing entities.
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.
7. This approval is for this application only, and does not permit land work, vegetation removal, construction of any structure or infrastructure, or allow for any use. Additional permits, licenses, and approvals may be necessary. All other applicable permits must be obtained prior to any work or commencement of any use.
8. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing additional permits.

9. The date of decision and action is the date that the decision maker approves the written decision.
10. Materials submitted after the decision shall not be considered part of the record for this decision.
11. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
12. 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. 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.
13. A takings analysis pursuant to Idaho Code may be requested on final decisions.
14. 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.

July 15, 2026

Chairman, Ryan Montoya

Date