

BEFORE THE DESIGN REVIEW COMMITTEE
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	CPAFY2018-6
)	
Development Code Flood Hazard)	FINDINGS OF FACT,
Text Amendment and Map Adoption)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
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THIS MATTER came before the Garden City Design Review Committee for consideration on April 20, 2020. The Design Review Committee reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Design Review Committee makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The applicant is the City.
2. The application is to repeal and replace Garden City Flood Hazard Ordinance and adopt revised Flood Insurance Rate Maps.
3. Neighborhood meetings were held on March 3, and 11, 2020.
4. On February 21, 2020 a public service announcement was sent, interested parties, and notice was posted at the Garden City Hall, Garden City Police Department, and Garden City Library.
5. A direct mailer was sent to all properties that are in the 100-year floodplain or floodway in the 2003 FIRM and in the 2017 draft working maps on February 21, 2020.
6. An agency notice was sent on February 24, 2020 and written comments were received from:
 - a. Idaho Department of Water Resources
 - b. FEMA
 - c. Garden City Engineer
7. Notification was posted on the Garden City website, Facebook, Next Door, and on the Chamber website on or before February 20, 2020.
8. A legal notice was published in the Idaho Statesman on February 24, 2020.
9. During the Design Review Committee meeting on April 20, 2020:
 - a. Staff member Jenah Thornborrow represented the proposed amendments.
 - b. Public Testimony was received by:
 - i. Hannah Ball testified in opposition to the draft changes noting concerns with the definition of 'development' being too broad and asking for clarifications as to how regulations would be applied to existing mobile/manufactured home parks.
 - ii. Geoffrey Wardle noted concerns with definition inconsistencies, specifically related to 'substantial compliance' and 'substantial

damage' as well as requesting for clarity on how non-conforming structure regulations would be applied.

- c. During discussion Committee Member Labrie noted that with the inconsistencies identified in the testimony that he thought that a recommendation would be premature, and a desire to postpone a recommendation until a revised draft was submitted for review was noted. Committee Member Hurd noted that while there is a code change proposed that it is the time to ensure code congruence. Staff reminded the Committee that the ordinance must be passed by June 20, 2020.
 - d. The Committee made the following recommendations to be included in the code changes:
 - i. Prior to review by City Council, the proposed revisions to Garden City Code, Title 8 will be amended to rectify conflicting definitions, unless integral to a regulatory process prescribed by another regulatory agency.
 - ii. The definition of exempt should not include a monetary value.
 - iii. The City Council should consider a thorough review of Garden City Code to harmonize the regulations found within.
 - e. The Committee unanimously recommended approval with the draft changes noted.
10. The record contains:
- a. Staff Report;
 - b. Agency Comments;
 - c. Public Comments (none provided);
 - d. Design Review Findings of Fact, Conclusions of Law and Decision;
 - e. Design Review Committee Minutes.

CONCLUSIONS OF LAW

The Design Review Committee reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application meets the standards of approval under GCC 8-6B-5 Development Code Amendment:

1. The text amendment complies with the applicable provisions of the comprehensive plan;

The text amendment is in compliance with the Garden City Comprehensive Plan.

2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and

There is no evidence text amendment will be detrimental to the public health, safety, and welfare of the community. Not adopting the amendments would put the City at risk as this is a requirement of FEMA.

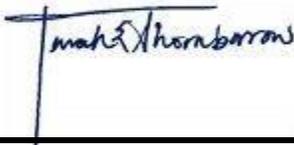
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.

The text amendment does not adversely affect the ability to provide public services within the city.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Design Review Committee hereby **RECOMMENDS APPROVAL** of the application, subject to the following conditions:

1. Prior to review by City Council, the proposed ordinance will be amended with additional or clarifying language proposed by the Garden City Legal Department to ensure that all stakeholders understand their rights and obligations under the regulations.
2. Prior to review by City Council, the proposed revisions to Garden City Code, Title 8 will be amended to rectify conflicting definitions, unless integral to a regulatory process prescribed by another regulatory agency.
3. The definition of "exempt" should not include a monetary value.
4. The proposed ordinance will also include an update to all of Garden City Code updating reference to Garden City Code 8-3B to 8-4H and removing all conflicts in with proposed Flood Hazard 8-4H in Garden City Code.
5. The City Council should consider a thorough review of Garden City Code to harmonize the regulations found within.
6. 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.



5-4-2020

This signature verifies that this decision document has been reviewed and approved by the Design Review Committee

Date