

BEFORE THE PLANNING AND ZONING COMMISSION
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 Planning and Zoning Commission for consideration on April 15, 2020. 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 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. A 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 Planning and Zoning Commission meeting on April 15, 2020:
 - a. Staff member Jenah Thornborrow represented the proposed amendments.
 - b. Public testimony was given by Geoffrey Wardle noting inconsistent definitions in Title 8 and requesting clearer nonconforming regulations as how they interact with other provisions of Garden City Code. Testimony was also given my Shawn McFadden asking how the floodway deletions were identified in the 2017 flood insurance study maps.
 - c. The Commission made the following recommendations to be included in the code changes:
 - i. 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.

- ii. 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.
 - iii. 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.
 - d. Commissioner Wilde moved to approve the above proposed changes with conditions noted. Commissioner Rassmusen seconded the motion. The Commission unanimously recommended approval as drafted.
10. The record contains:
- a. Staff Report;
 - b. Agency Comments;
 - c. Public Comments (none provided);
 - d. Findings of Fact, Conclusions of Law and Decision;
 - e. Hearing Minutes.

CONCLUSIONS OF LAW

The Planning and Zoning Commission 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 Planning and Zoning Commission 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. 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.
3. 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

S. Kent Brown

Date

04/16/2020