

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	SUBFY2020-06
)	
Extension Request)	FINDINGS OF FACT,
Address: 6515 State Street)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
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THIS MATTER, came before the Garden City Council for consideration on June 14, 2021. The City Council reviewed the request. Based on the evidence presented, pursuant to Garden City Code § 8-6-A. 8 and 8-5B-6 the City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The requestor is Robert Taunton representing Glass Creek, LLC.
2. The property owner of record is Glass Creek, LLC.
3. The location of the project is Street Address: 6515 W. State Street, Garden City, Idaho.
4. The property is described as a parcel of land being a re-subdivision of a portion of Lot 70, Block 1 of "The Amended Plat of a Portion of Lot 1, and all of Lots 2, 3, 4, 5 and 6, Block 1 of The Plantation No. 2" (Subdivision), located in Government Lot 2 in the Southwest Quarter of Section 30, Township 4 North, Range 2 East, Boise Meridian, Garden City, Ada County, Idaho.
5. The preliminary plat was approved for one year by City Council on July 27, 2020.
6. The City received a one-year extension request in writing on May 27, 2021 noting cause related to:
 - a. A notice of violation received on August 17, 2020 related to unauthorized fill placed by previous owner caused a delay due to:
 - i. The violation had to be remedied prior to submitting for a LOMA as required by condition of approval #1 prior to construction of subdivision improvements.
 - ii. There was a 4-month delay in receiving 1991 survey data from FEMA, but as required by FEMA, to be utilized in the fill violation review.

- iii. The remedy took 7 months in total to complete.
 - b. FEMA has required a LOMR rather than a LOMA.
 - i. The LOMR was not anticipated and is a process that entails a more time consuming and detailed hydrologic analysis and hydraulic modeling approval.
 - ii. Once the LOMR was submitted to FEMA in April of 2021, it is anticipated that there will be a 6-month review period.
- 7. The City Council considered request on June 14, 2021.
 - a. Bob Taunton presented the request.
 - b. Council Member Page noted that for the reasons noted there is good cause to grant the extension, that the application and regulations have not changed, there has not been a change in compatibility of the project, the property appears to be compliant with codes and laws, and that it is in the City's best interest to grant an extension.
 - c. Council Member Souza moved to approve the extension.
 - d. Council Member Jorgensen seconded the motion.
 - e. The motion passed on a 4/0 vote.
- 8. The record contains:
 - a. Applicant request.
 - b. Record documents for SUBFY2020-06
- 9. The following standards in the Garden City Code apply to this proposal:

Standards	Compliant	Conclusions
GCC 8-5B-6 Term of Subdivision Permit	N/A	Not applicable with an extension approval.
GCC 8-6A-8 Expiration of Approvals	Yes	1. Good Cause exists for the request: <u>Explanation:</u> Good cause for the request exists. With the violation that had to be remedied due to no fault of the applicant, there has not been adequate time to address the floodplain as required as a condition of approval 2. The application and or applicable city regulations have not changed. <u>Explanation:</u> The applicable city regulations have not changed. The application will be required to submit a LOMR rather than a LOMA as anticipated in the preliminary plat.

		<p>3. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project:</p> <p><u>Explanation:</u> There has not been change in the neighborhood, plans or policies that affect the compatibility of the project.</p> <p>4. The property appears to be compliant with codes and laws:</p> <p><u>Explanation:</u> There are no known code enforcement issues at this location.</p> <p>5. It is in the City's best interest to grant the extension:</p> <p><u>Explanation:</u> It is in the City's best interest to grant the extension.</p>
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CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and concludes the application **does** meet the standards of approval under G.C.C. § 8-6-A.8.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Garden City Council does hereby **Approve** this request for an extension of the building permit.

1. This approval is for a one-year extension to July 27, 2022.
2. Final decisions may be subject to judicial review pursuant to the Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
3. A takings analysis pursuant to Idaho Code may be requested on certain final decisions.


 Mayor, John G. Evans

6-15-21
 Date