



CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714
 Phone (208)472-2921 □ Fax (208)472-2926

File Number: CPAFY2022-0001
For: Development Code Amendment: "Tiny Homes"
Applicant: Hannah Ball
Work Session Report

WORK SESSION DATES:
 Design Review: November 15, 2021
 Planning and Zoning: November 17, 2021
 City Council: November 22, 2021

HEARING DATES
 Planning and Zoning: December 15, 2021
 Design Review: December 20, 2021
 City Council: January 10, 2022

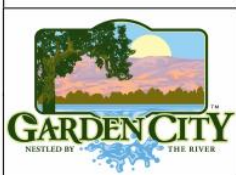
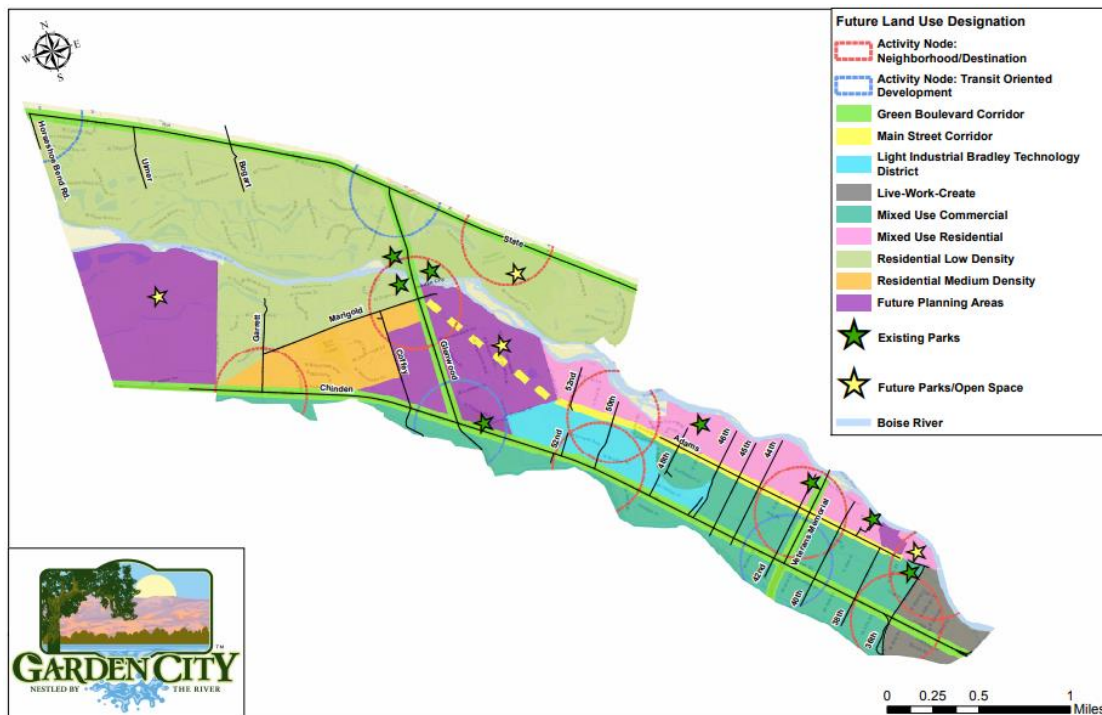


Table of Contents

| | |
|--|----|
| A. Record Documents..... | 3 |
| B. Requested Action..... | 3 |
| C. Work Session Summary..... | 3 |
| D. Recommendation Summary | 4 |
| E. Decision Process..... | 4 |
| F. Objective..... | 6 |
| G. Current Deficiencies | 6 |
| H. Synopsis of Proposed Changes..... | 6 |
| I. Preapplication Discussion Summary..... | 8 |
| J. Discussion Related to Proposed Changes..... | 9 |
| K. Agency Comment | 15 |
| L. Public Comment..... | 15 |
| M. Code/Policy Review | 15 |

A. Record Documents ([link to all documents](#))

Individual links:

1. Application Materials
 - a) [CPAFY2022-0001 application and materials](#)
2. Noticing Documents
 - a) City Noticing
 - b) Property Posting for Design Review Committee
 - c) Property Posting for Planning and Zoning
 - d) Property Posting for City Council
3. Agency Comments: linked in [Section F](#)
4. Public Comments: linked in [Section G](#)

B. Requested Action

Public Hearing and decision for proposed amendments to Garden City, Title 8, Development Code related to “Tiny Home” regulations.

C. Work Session Summary:

This section will be updated as the work sessions are held.

The work sessions are scheduled as follows:

- Design Review Committee: November 15, 2021
- Planning and Zoning Commission: November 17, 2021
- City Council: November 22, 2021.

Design Review Committee November 15, 2021

- The Design Review Committee had considerable discussion related to safety and legal authority:
 - The applicant noted that the intent of this ordinance is to specifically address tiny homes on wheels, rather than tiny homes built to IRC standards or HUD standards. This designation should be clarified in the proposal.
 - RVIA standards would be required to address safety.
 - Idaho Code notes that “Recreational Vehicles,” including converted vans and school buses, are “designed for recreational or emergency occupancy.” To address this constraint, the applicant has indicated that a semi-permanent living definition and timeframe be adopted and then require the units to be moved as a way to address the Idaho Code definition specification that RVs are for “recreational or emergency occupancy.”
 - It was noted that there are no identified communities in Idaho that allow tiny home on wheel communities for semi-permanent or permanent living.
 - The Design Review Committee has requested examples of code related to tiny home on wheel communities that allow for permanent living.
 - Should a timeframe be established requiring that the vehicles be removed be established, it was suggested that an administrative process, such as a licensing process, be established through GCC 8-3.

- The applicant indicated that they did not wish to amend the Garden City Code standards related to mobile/ manufactured home parks or RV parks. They specifically noted that the size requirement for RV parks is too large. They also noted a desire for stricter standards than RV parks.
- The applicant noted that the code is a test case and that is why it is limited to C-2 and R-3 zones.
- As the use of tiny homes and tiny home parks is requested to be a permitted use, the definitions and standards should be clear enough to facilitate clear requirements that result non arbitrary administration and suitable communities.
- Separate standards for tiny homes from tiny home communities. Suggested location GCC 8-4B-5.
- Regulatory requirements should be relocated from definitions to standards.
- Definition suggestion: Clearly identify what differentiates an RV from a Tiny home on wheels; discussions noted that a tiny home must be towed not driven or on a chassis; maximum first floor size of 400 sq. ft.; and traditional stick-built materials.
- It is suggested that the applicant incorporate staff suggestions found in the work session report as well as the items discussed in the work sessions and have another round of work sessions prior to proceeding with the hearings. The applicant agreed.

D. Recommendation Summary:

This summary will be updated to reflect the recommending bodies recommendations.

The public hearings are scheduled:

- Planning and Zoning Commission: December 15, 2021
- Design Review Committee: December 20, 2021
- City Council: January 10, 2022

E. Decision Process

Proposed Scope of Work:

This application is for a Development Code Amendment.

General Provisions

This application is processed per GCC 8-6A-7 Public Hearing.

Required Decisions: The following decision processes are required for the project as governed by GCC Table 8-6A-1:

| Decision | | Recommendation Authority/ Hearing Date | Decision Authority |
|-----------------------|------|---|--|
| Development Amendment | Code | Design Review Committee: Hearing December 20, 2021 Planning and Zoning Commission: Hearing December 15, 2021 | City Council: Hearing January 10, 2022 |

Required Findings:

For the approval of a Development Code Amendment, the City Council must find the application meets the following findings, found in [GCC 8-6B-5](#):

1. The text amendment complies with the applicable provisions of the comprehensive plan;
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and
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.

Decision:

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied. The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

The Planning and Zoning Commission and Design Review Committee are recommending bodies for this application.

Recommendation

The Recommending Authority may take one of the following actions:

1. Recommend the City Council grant/ approve the application as applied;
2. Recommend the City Council grant/ approve the application with conditions as drafted or as amended to the City Council;
3. Recommend the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

The City Council is the final decision maker for this application.

Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation with conditions;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

If there is a denial, state code requires that the decision maker identify what could be done to obtain approval.

Appeal of Decision:

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Planning and Zoning Commission and Design Review Committees are recommending authorities to City Council, the final decision maker for the requested application. The recommendations of the Design

Committee and the Planning and Zoning Commission do not constitute a final decision on the application.

Every final decision rendered shall provide is accompanied by notice to the applicant regarding the applicant’s right to request a regulatory taking analysis pursuant to section [67-8003](#), Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section [67-6521](#)(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by [chapter 52, title 67](#), Idaho Code. Per Idaho Code 67-6511 (2)(a) this provision extends to an amendment of a zoning ordinances applicable to an owner’s lands.

F. Objective

The purpose of this text code amendment is to allow for the new use of “Tiny Home Community,” define the new terms of “Tiny Home” and “Tiny Home Community” and allow the use of tiny homes as an Accessory Dwelling Unit.

G. Current Deficiencies

The applicant has identified the following deficiencies in Garden City Code, Title 8: “workforce housing, affordable, workforce housing”

H. Synopsis of Proposed Changes

The proposed code text amendment is to amend¹:

Table 8-2B-1

| | R-1 | R-2 | R-3 | R-20 | C-1 | C-2 | M | LI |
|---------------------------------|-----|-----|----------|------|-----|----------|---|----|
| ... | | | | | | | | |
| Temporary Use* | P | P | P | P | P | P | | |
| <u>Tiny Home Community*</u> | | | <u>P</u> | | | <u>P</u> | | |
| Tobacco entertainment facility* | | | | | P | P | P | P |
| ... | | | | | | | | |

1. Add the use of “Tiny Home Community” to Garden City Code 8-7A-1 Definition of Uses. The use is to be defined as:

¹ The strike through was not submitted by the applicant with the application materials. This is staff’s interpretation of the intended strike throughs.

“The use of a site by two (2) or more Tiny Homes for short- or long-term flexible living quarters on a temporary or permanent basis.”

2. Add the term “Tiny Home” to Garden City Code 8-7A-2 Definitions of Terms to read:

TINY HOME: moveable home on a trailer/wheels and designed primarily with more traditional home building construction methods by a professional builder or as a do it yourself project to provide affordable short term or long term living accommodation. Tiny homes may be certified as recreational vehicles, but traditional recreational vehicles are not considered tiny homes under this code. Tiny homes have a ground floor area of not greater than 400 sq ft not including lofts. Tiny homes can be defined as recreational vehicles as defined in Idaho Code section 49-119(R), so that they can be allowed to park in recreational vehicle parks, but the build and design of tiny homes is specifically meant for permanent/ semi-permanent occupation as opposed to recreational or emergency occupancy.

3. Add a specific land use provision of “Tiny Home Community” under Garden City Code 8-2C Land Use Provisions that shall be identified as 8-2C-49. New standards include:
- a. Setbacks and Dimensional Requirements
 - b. Site Layout and Design
 - c. Parking, Drive Aisles, and Tiny Home pads
 - d. Landscaping
 - e. Community

4. Amend Garden City Code 8-2C-14 Dwelling Unit Accessory by addition of the following:

A. Setbacks And Dimensional Standards:

1. Setbacks shall meet the zoning district setback requirements.
2. No accessory structure shall be allowed in front of the principal structure without design review approval.
3. Accessory dwelling units may not be any greater in size than six hundred (600) square feet.
4. Tiny Homes as small as 120 square feet may be used for accessory dwelling units.

B. Additional Standards: ~~In addition to meeting all building codes for a dwelling unit the following provisions shall be complied with:~~ In addition to meeting all building codes for an RV, dwelling unit, or tiny home, the following provisions shall be complied with:

1. Not more than one accessory dwelling unit shall be allowed per property.
2. Direct ingress and egress to the unit shall be provided.
3. The unit shall provide a kitchen with appliances for the cooking of food, a sink and storage.
4. The unit shall provide a bathroom with minimally a sink, toilet and either tub and/or shower.

5. ~~The unit shall have at least three hundred (300) square feet of habitable space as defined by the building code.~~ The unit shall have at least one hundred and twenty (120) square feet of habitable space as defined by the building codes.

6. The unit shall provide for at least one closet.

7. The unit shall be identified with an approved address.

8. ~~Manufactured and mobile homes shall not be permitted as an accessory dwelling unit.~~ Manufactured and mobile homes shall not be permitted as an accessory dwelling unit if they don't meet the definition of a tiny home.

9. When tiny homes are used as accessory dwelling units they must be hooked up to onsite water, sewer, and electrical services while being used for living quarters or sleeping quarters.

I. Pre-application Discussion Summary

On September 2, 2021, Staff met with the applicant to review their intended proposal. Suggestions related to proposed code proposal:

- If the intent is to generate affordable housing solutions, the idea should be for affordable housing options that do not create unsafe or unlivable options. Safety standards need to be identified to address issues such as mold, fire egress, etc. the proposal should identify and require safety review standards e.g., the adopted version of the International Residential Code for One and Two Dwellings, Manufactured Home and Safety Standards (HUD Code), or Recreational Vehicle Industry Associations (RVIA) Standards and Regulations.
- The applicant clarified that their intent is for this use only in C-2 as a CUP.
- The applicant should verify with North Ada County Fire and Rescue District that proposed setbacks and road widths are compatible with fire safety standards.
- The proposal seems to be lacking amenities.
 - Code requirements for multi-family structures require amenities
 - Potential amenities presented by staff could be the inclusion of laundry facilities, indoor areas that people could use with guests, and open space.
- Staff suggested that the proposal could defer to standards already in Title 8 such as, but not limited to, landscaping, parking, and lighting.
- Design standards should be created with special emphasis on how the use interacts with the street and other public realms.
- The proposed bicycle parking ratio is low, especially in relation to current standards found in Title 8 and applicant's stated desire to not have much parking required.
- Instead of prescribing specifics for items such as refuse or electricity; note that each space shall be provided with those items (so that they conform to Garden City policies and do not become outdated quickly).

On September 3, 2021, Staff followed up with concerns that if the proposal is to identify recreational vehicles as "tiny homes" that Idaho Code §49-119 (6) may preclude the proposal:

(6) "Recreational vehicle" means a motor home, travel trailer, fifth-wheel trailer, park model recreational vehicle, truck camper or folding camping trailer, with or without motive power, **designed for recreational or emergency occupancy**. It does not include pick-up hoods,

shells, or canopies designed, created or modified for occupational usage. School buses or van type vehicles which are converted to recreational use, are defined as recreational vehicles.

J. Points of Discussion Related to Proposed Changes

General Points of Discussion

Staff has requested legal guidance if this proposal is legal per Idaho Code §49-119. It is anticipated that guidance will be forthcoming in a separate memorandum. If Idaho Code precludes permanent living in recreational vehicles, it would not be legal for Garden City to adopt the code amendment as proposed.

It should be noted that the City of Moscow did amend the building code to add Tiny Homes. This is under the International Residential Code for One and Two Dwellings: [Moscow Ordinance 2019-05](#).

Under Garden City Code a “tiny home” or a “tiny home community” can already be established. It would be classified according to how the structure is constructed. If the homes are reviewed as recreational vehicles (RVs) they must comply with [8-1C-3 \(R\)](#) or [8-2C-33](#) and the vehicle would need to be classified as an RV under Idaho Statutes and be reviewed for life safety under RVIA Standards. If there is a community of stick built homes, it would be considered a multifamily development, and must abide by [8-2C-15](#) and the structures would be reviewed under the most current adopted version of the IRC. Standalone stick built homes that are not a part of a larger development would adhere to the construction standards of the IRC and be regulated by [8-4B](#). If they are classified as mobile homes they would fall under [8-4J](#) and would be reviewed for structural safety under HUD standards.

Each of the code provisions have constraints. For example, Garden City Code 8-1C-3(R) precludes Recreational Vehicles from being occupied outside of a Recreational Vehicle Park for more than 14 days and precludes the connection of utilities outside of a Recreational Vehicle Park. On the other hand, if the IRC standards are utilized, the dwellings would not be mobile.

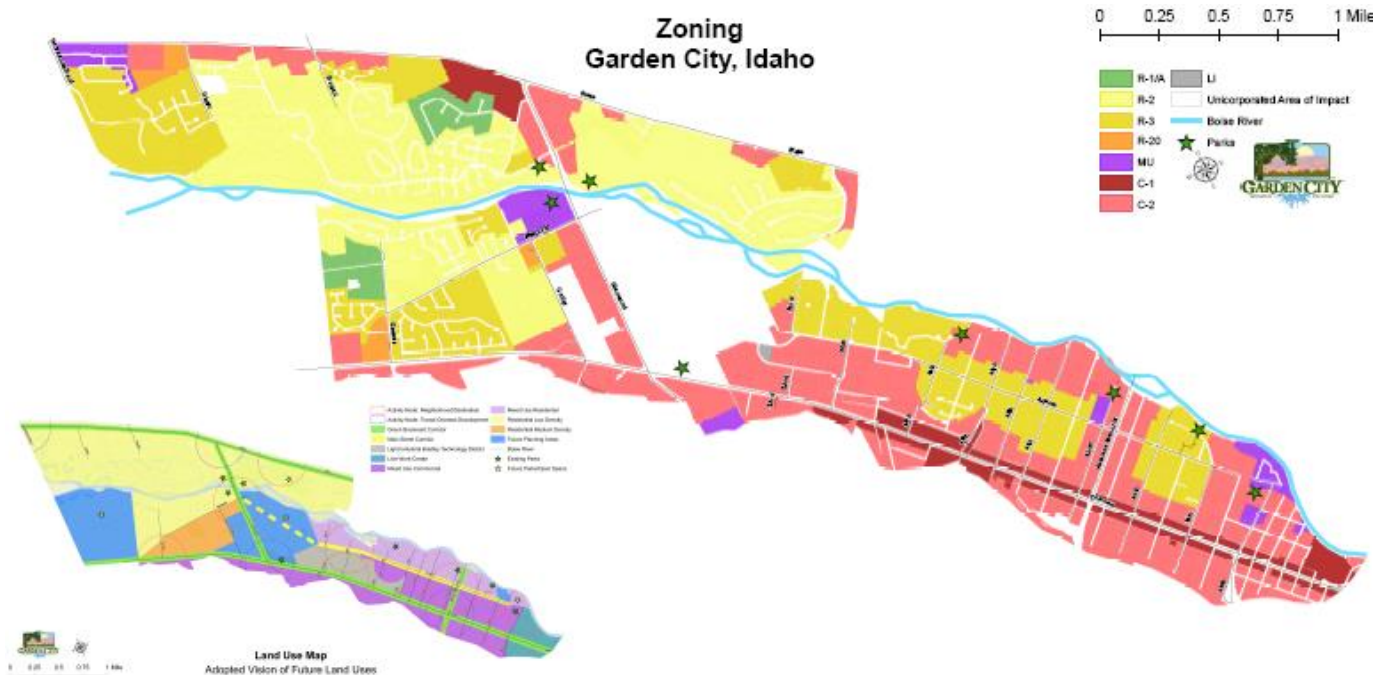
Proposed Changes to GCC Table 8-2B-1

The applicant has submitted that the proposed tiny home communities be permitted in the C-2 and R-3 zoning districts.

Points of Discussion

1. Does this proposal provide adequate guidance to ensure that a community would be compatible at any location within the C-2 and R-3 Zoning designations? If not, it should be a conditional use permit.

A zoning map of Garden City is provided below for reference.



Proposed Changes to 8-7A-1 Definition of Uses:

Add the use of “Tiny Home Community” to Garden City Code 8-7A-1 Definition of Uses. The use is to be defined as “The use of a site by two (2) or more Tiny Homes for short- or long-term flexible living quarters on a temporary or permanent basis.”

Points of Discussion

- A better definition may be “The use of a site by two (2) or more Tiny Homes.”
 - The rest of the definition “for short- or long-term flexible living quarters on a temporary or permanent basis.” Brings into question if “short-term,” “long-term,” “flexible living quarters,” etc. need to be defined.
 - Garden City Code utilizes the term “ Dwelling or Dwelling Unit” rather than “living quarters” it is suggested that terms should remain consistent.

Proposed Changes to 8-7A-2 Definition of Terms:

Add the term “Tiny Home” to Garden City Code 8-7A-2 Definitions of Terms to read:

TINY HOME: moveable home on a trailer/wheels and designed primarily with more traditional home building construction methods by a professional builder or as a do it yourself project to provide affordable short term or long term living accommodation. Tiny homes may be certified as recreational vehicles, but traditional recreational vehicles are not considered tiny homes under this code. Tiny homes have a ground floor area of not greater than 400 sq ft not including lofts. Tiny homes can be defined as recreational vehicles as defined in Idaho Code section 49-119(R), so that they can be allowed to park in recreational vehicle parks, but the build and design of tiny homes is specifically meant for permanent/ semi-permanent occupation as opposed to recreational or emergency occupancy.

Points of Discussion

- A suggested might be along the lines of: “TINY HOME: a moveable dwelling on wheels or a trailer with wheels, with a first floor not greater than 400 square feet that does not otherwise meet the definition of a mobile home or manufactured home, or recreational vehicle as defined by this Title and, or Idaho Statutes.”²
- Proposed language “...and designed primarily with more traditional home building construction methods by a professional builder or as a do-it-yourself project”
 - What does this language intend, and is it necessary?
- Proposed language “to provide affordable short term or long-term living accommodation”
 - While the proposal would allow for small units and requests a reduction in parking (in conjunction with the proposed communities not any tiny home), the proposal in and of itself does not have a mechanism to ensure that tiny homes will be an “affordable” solution. If the term “affordable” is to be left in the definition, mechanisms should be provided in code to require that the homes be affordable.
- The proposed 8-2C-14 changes refer to tiny homes as manufactured homes and also meeting building code. This definition contradicts the proposal that they be on wheels.
- Proposed Language “Tiny homes may be certified as recreational vehicles, but traditional recreational vehicles are not considered tiny homes under this code.” Are there criteria defined to identify the difference between “traditional recreational vehicles” and “tiny homes”?
- “The build and design of tiny homes is specifically meant for permanent/ semi-permanent occupation as opposed to recreational or emergency occupancy.” This would be contradicted by GCC 8-2C-33 and 8-1C-3(R).
- The proposed language: “so that they can be allowed to park in recreational vehicle parks, but the build and design of tiny homes is specifically meant for permanent/ semi-permanent occupation as opposed to recreational or emergency occupancy.” This is regulatory in nature and would be better located in 8-2C-33 recreational vehicle Park

Proposed Changes 8-2C-14:

The applicant has proposed to amend Garden City Code 8-2C-14 Dwelling Unit Accessory by addition of the following:

A. **Setbacks And Dimensional Standards:**

1. Setbacks shall meet the zoning district setback requirements.
2. No accessory structure shall be allowed in front of the principal structure without design review approval.
3. Accessory dwelling units may not be any greater in size than six hundred (600) square feet.
4. Tiny Homes as small as 120 square feet may be used for accessory dwelling units.

B. **Additional Standards:** ~~In addition to meeting all building codes for a dwelling unit the following provisions shall be complied with:~~ In addition to meeting all building codes for an RV, dwelling unit, or tiny home, the following provisions shall be complied with:

1. Not more than one accessory dwelling unit shall be allowed per property.
2. Direct ingress and egress to the unit shall be provided.

² A definition for Recreational Vehicle is not specified in Title 8

3. The unit shall provide a kitchen with appliances for the cooking of food, a sink and storage.
4. The unit shall provide a bathroom with minimally a sink, toilet and either tub and/or shower.
5. ~~The unit shall have at least three hundred (300) square feet of habitable space as defined by the building code.~~ The unit shall have at least one hundred and twenty (120) square feet of habitable space as defined by the building code.
6. The unit shall provide for at least one closet.
7. The unit shall be identified with an approved address.
8. ~~Manufactured and mobile homes shall not be permitted as an accessory dwelling unit.~~ Manufactured and mobile homes shall not be permitted as an accessory dwelling unit if they don't meet the definition of a tiny home.
9. When tiny homes are used as accessory dwelling units they must be hooked up to onsite water, sewer, and electrical services while being used for living quarters or sleeping quarters

Points of Discussion

- On September 17, 2020, the Planning and Zoning Commission recommended changes to 8-2C-14. As there are recommended amendments to this section of code, it is suggested that they be included at this time. [Link](#)
- “Tiny Homes as small as 120 square feet may be used for accessory dwelling units.” Should a minimum size only pertain to tiny homes, or should there be a minimum size established for all accessory dwellings?
- “In addition to meeting all building codes for an RV, dwelling unit, or tiny home, the following provisions shall be complied with” Building Codes do not apply to RVs.
- “The unit shall have at least one hundred and twenty (120) square feet of habitable space as defined by the building code.” It may be better to define “habitable space” so that a building code review does not need to be conducted on a RVIA unit.
- “Manufactured and mobile homes shall not be permitted as an accessory dwelling unit if they don't meet the definition of a tiny home.” Can they meet the definition of a Tiny Home?
- “When tiny homes are used as accessory dwelling units they must be hooked up to onsite water, sewer, and electrical services while being used for living quarters or sleeping quarters” 8-1C-3 may need to be amended.
- The word “don't” should be amended to “do not”

Proposed Addition to 8-2C:

Add a specific land use provision of “Tiny Home Community” under Garden City Code 8-2C Land Use Provisions that shall be identified as 8-2C-49.

A. Setbacks and Dimensional Requirements:

1. Tiny Home Communities shall have a maximum density of 30 units per acre in the C2 zone and 20 units per acre in the R3 zone.
2. The location of utility hookups (i.e., water, sewer, power) shall be setback 5 feet along interior and rear property lines, and 10 feet along front property lines and sidewalks.

3. The placement of Tiny Homes shall provide at least 5-foot setbacks along interior property lines, and 10-foot setbacks along front property lines and sidewalks.
4. Internal drive aisles and parking spaces shall be setback a minimum of 2 feet from side and rear setbacks to provide a landscape buffer or approved fence between adjacent properties.
5. Parking spaces shall be setback a minimum of 20 feet from the front property line.
6. All other setbacks shall comply with the underlying base zoning district setbacks.

B. Site Layout and Design:

1. Tiny Home Communities shall have individual, distinctive pads for locating each Tiny Home within the community.
2. Tiny Home pads along the front property line shall engage and face the street and there shall be clear pedestrian connectivity into the site.
3. The site layout shall reflect the requirements of the health and fire authorities with respect to water supply, sewage disposal, fire hydrants, sanitary facilities, building location, street layout and park design for recreational vehicle parks.
4. When outdoor lighting is provided, it shall comply with all requirements of the underlying zoning code.
5. One sewer, and one water connection shall be provided for each tiny home pad. All sewer and water line connections to each pad shall be first approved by the city engineer and the health authority.
6. Shared Trash receptacles are encouraged and shall be provided at a rate of fifteen (15) gallons of refuse capacity for each (1) tiny home unit.
7. Each tiny home pad shall be provided with a minimum of 30-amp electrical service.

C. Parking, Drive Aisles, and Tiny Home pads:

1. Tiny Home Communities in the C2 zone shall provide at least 0.4 parking spaces per Tiny Home pad to encourage affordability and the use of alternate forms of transportation.
2. Tiny Home Communities in the R3 zone shall provide at least .75 parking spaces per Tiny Home pad to encourage affordability and the use of alternate forms of transportation.
3. On-site parking shall be unbundled from each tiny home pad site to encourage affordability and promote alternative forms of transportation.
4. Tiny Home Communities shall provide 1 bicycle parking spaces per Tiny Home pad to encourage the use of alternate forms of transportation
5. Internal site drive aisles shall have a minimum lane width of ten feet (10') where parking is not permitted. Internal one-way drive aisles shall be encouraged.
6. Parking, drive aisles, and tiny home pad areas shall be paved with concrete, asphalt, crushed granite, or another approved rock-based material.

D. Landscaping:

1. The tiny home community shall be fenced or buffered with landscaping along the back and side property lines with adjacent properties that are currently occupied by residential or commercial uses.

2. One (1) street tree (class 2 or 3) shall be provided for street frontages up to 50 feet in length. One additional street tree (class 2 or 3) shall be provided for each additional 50 feet of street frontage. The interior of the site shall contain 1 (class 2 or 3) tree for every 5 tiny home pads on the site.

E. Community:

1. Temporary allowance for Recreational Vehicles: no more than 15% of tiny home pads may be occupied by traditional recreational vehicles at any time, and recreational vehicles must be moved from the site every 180 days for at least 14 days.

Points of Discussion

- Staff suggests referring to GCC 8-4J and 8-2C-33 guidance or amending one of those ordinances to allow for the inclusion of “tiny homes”. Items to consider include, but are not limited to:
 - Occupancy based on pad site/space
 - Setbacks between units
 - Access to public streets
 - Community identification
 - Common area
 - Open space
 - Storage
 - Space identification (for emergency medical services)
 - Requirement for on-site management
 - Amenities such as laundry facilities, areas such as a community room for when there are guests, see also required multi-family amenities [8-2C-15 B](#)
- The proposed maximum density of thirty units per acre in the C-2 zone and 20 units per acre in the R-3 Zone equates to a site of 1,452 square feet or 2,178 square feet. Staff suggests that a better way of addressing this situation is akin to the Garden City Code 8-4J Manufactured and Mobile Home Provisions that addresses setbacks between units and requires a minimum pad site (of 4,000 square feet is required by 8-4J). 8-4J then only allows for a density of one unit per pad site.
- There should be a minimum setback established for utility hook-ups rather than a strict 5’/10’ setback requirement, as sites are all different, and some sites may necessitate flexibility setback.
- A rear setback is not established.
- Staff suggests for life, safety purposes there should be a minimum setback between units.
- Staff suggests that all units within a community are reviewed and adhere to life safety standards such as fire ingress/egress, ventilation for the reduction of mold, etc.
- Is it the intent that the communities could subdivide?
- Consider rewording the requirement that each pad site needs to be distinctive. This may be interpreted that each pad site needs to be different than the others on the site.
- What would be the criteria for engaging the street? For example, would it be a front door, patio area, etc.?
- Should lighting be required?

- The wording in B4 “underlining zoning code” would be better stated: “standards as set forth by this Title.”
- Can the water and sewer connection (unless there is a tap to the City’s main) be reviewed by a plumbing permit or does it need to be reviewed by the City Engineer and health authority? Who is the health authority who would review?
- As areas might have a greater or lesser need for refuse, instead of identifying the requirement of fifteen gallons/ unit, it may be better to require that each unit be serviced with trash service (and defer to Garden City Code 8-1C property maintenance. Example language is “Each unit shall be provided with code compliant water, sewer, electrical, and trash service. Shared trash service is allowed provided that the community maintains compliance with required property maintenance standards.”
- Consider adding language such as “Design Standards not specifically addressed by this section shall adhere to GCC 8-4”
- Should 8-2C-E (1) match RV park requirements of 90 days?

K. Agency Comments

No agency comments have been received at the time of the drafting of this report.

L. Public Comment

No public comments were provided as of the drafting of this document.

M. Code/Policy Review

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

| Garden City Title 8 Code Sections | | | |
|---|------------------|----------------------------|--|
| Code Section | Review Authority | Compliance Issues | Analysis/ Discussion |
| Title 8, Chapter 1: General Regulations | | | |
| Title 8, Chapter 6, Article A: Administration | | | |
| 8-6A-3 General Application Process | DRC/PZ/CC | No compliance issues noted | The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application. |
| 8-6A-4 Required Application Information | DRC/PZ/CC | No concerns noted | A Compliance Statement was received as required. |
| 8-6A-7 Public Hearing Process | PZ/DRC/CC | No compliance issues noted | A City policy is that when more than two hundred individuals will be affected that three forms of alternative noticing are provided in efforts for more transparency. These include posting of notice in three conspicuous locations in the city, making notice available to media for use as a public service |

| | | | |
|--|--|--|---|
| | | | <p>announcement, and a paid advertisement in local print media. This requirement is listed on the web and provided to and discussed with the applicant prior to submittal.</p> <p>The applicant's unofficial representative, Jason Jones, noted that they did not wish to follow city policies and procedures, and that they would opt to apply the minimum noticing as established in code. For most application types there is a finding required that there be no violation of any City policy. There is no such finding required of a Title 8 Code Amendment.</p> <p>The City provided notifications to agencies with jurisdiction and will run a 2"X 4" legal notice in the Idaho Statesman, at least 15 days prior to the first hearing, conspicuously posted notice at the Garden City Library, Garden City Hall, online, and Garden City Police Department, and provided notice to radio, newspaper, and television. This has been completed for the public hearings scheduled for December 15th, December 20th, and January 10th.</p> |
|--|--|--|---|

| Other Items Reviewed | |
|--|---|
| Plan/Policy | Discussion/ Analysis |
| Idaho Code 67-6511 | <p>The Local Land Use Planning Act requires that code amendments be noticed and heard per 67-6709, compliant with the Comprehensive Plan, and provides for certain considerations.</p> <p>Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.</p> |
| Idaho Code 67-6519 | Garden City Code and procedures are consistent with The Local Land Use Planning Act Application Granting Process. |
| Garden City Comprehensive Plan | <p>This application applies to the entire city.</p> <p>A goal that pertains to this application is:</p> <p>Goal 6 Diversity in Housing Objective 6.2 Continue to be a leader and set an example for the region in creating a diversity of housing.</p> <p>If concerns are not vetted the proposal would be contrary to. Goal 8 Maintain a Safe City, and Goal 10 Plan for the Future, and Goal 11 Serve the City.</p> |