



CITY OF GARDEN CITY

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

SECOND WORK SESSION DATES:
Design Review: April 4, 2022
Planning and Zoning: April 20, 2022
City Council: April 25, 2022

HEARING DATES: TBD

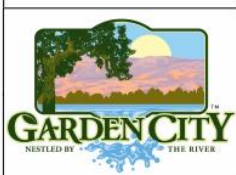
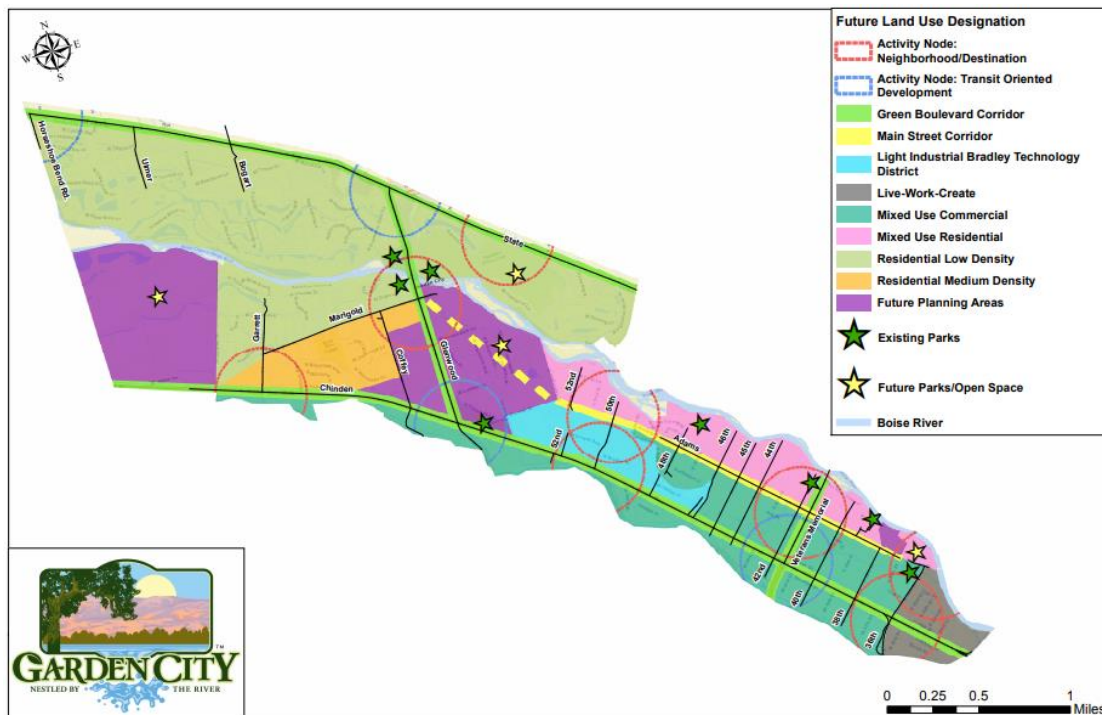


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A. Record Documents ([link to all documents](#))

Individual links:

1. Application Materials
 - a) [CPAFY2022-0001 application and materials](#)
 - b) CPAFY2022-0001 [resubmittal form](#) and [revised proposal](#)
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](#)
5. References and Resources
 - a) [Idaho Statesman Article Boise Pilot Program](#)
 - b) [Kent Brown Email 11282021](#)
 - c) [Tiny Homes on Wheels March 30, 2018 ITD](#)
 - d) [Blain County Applicant Examples](#)
 - e) [Blaine County Draft Ordinance](#)
 - f) [Blaine County Staff Report](#)
 - g) [Blaine County Building Official Report](#)

B. Requested Action

Discussion Only.

The public hearings that were previously scheduled were cancelled. This application will need to be rescheduled.

A future public hearing will be scheduled. At this time decision for proposed amendments to Garden City, Title 8, Development Code related to “Tiny Home” regulations will be requested.

C. Recommendation Summary

This summary will be updated to reflect the recommending bodies recommendations once the recommendations are made during the public hearing process.

D. Work Session Summary:

During the first set of work sessions, it was noted by the decision-making bodies that there was considerable work to be done on the proposal. It was agreed that a second set of workshops would be necessary after the applicant addressed the discussions. These have been scheduled as follows:

- Design Review Committee: April 4, 2022
- Planning and Zoning Commission: April 20, 2022
- City Council: April 25, 2022.

The April 4, 2022, Design Review Committee work session comments are summarized below:

- The applicant noted a desire to have a community within a smaller space than the Garden City RV standards allow.
- A permitting process should be established.
- Proposed Registration:
 - Penalties needed
 - The registration should be broken into two categories:
 - Tiny Homes on Wheels that are being utilized:
 - State registration/ license
 - Insurance
 - RVIA construction standards verification
 - Tiny Home Communities
 - Establish management oversight accountabilities for the community owner
 - Enable city regulatory oversight
- Timing:
 - Applicant suggested that allowing for tiny homes on wheels to remain in one location for 1-2 years is desirable but is looking for direction from city.
 - Discussion noted that instead of a definite time frame, an option could be that the Tiny Homes on Wheels must be maintained “road worthy” and movable.
- The desire for flexibility is understood, but a minimum setback as approved by the fire department should be established.
- #4 should be reworded to state 1 bike per home is required
- There should be a threshold where an onsite manager is required, such as communities that are greater than 20 units which is consistent with the multi-family provisions.
- If there are consistent uses, not all sides necessarily need to be screened.
- Screening from the road is not desirable.
- ADU
 - Should not require a separate parking space.
 - Tiny homes should meet setbacks.
- Requested additional provisions that prevent bad designs and encourage good designs.

The first set of work session discussions are summarized below:

The Design Review Committee discussions on November 15, 2021, included:

- Considerable discussion related to safety and legal authority.
 - The proposal may not be legal per Idaho Code.
 - 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.

The Planning and Zoning Commission discussions on November 17, 2021, included:

- Example ordinances requested.
- Housing affordability is an item that needs to be addressed at a city level.
- Why doesn't this proposal address the existing Garden City code sections that could use a code rewrite?
- Safety concerns that are needed prior to the next workshop include:
 - What are the structural, fire, electrical, plumbing, and construction standards?
 - What is the method of inspection?
 - Who will inspect the homes?

The City Council discussions on November 22, 2021, included:

- A presentation from the applicant indicating that the proposal is for affordable living solutions that include open space and amenities.
- There was a question if the proposal creates a barrier of entry by limiting RVs to 15%

E. 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 is 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.

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. Proposed Changes and Discussion

Proposed Changes	Discussion																												
<p>The proposed changes are in strikethrough. The previously reviewed provisions are below in black. Revisions provided by the applicant for the second work sessions in blue.</p> <p>Previous comments are below in black. New comments in blue.</p>																													
<p>Title 3: Business and License Regulations</p>																													
<p><u>Chapter 15: Tiny Homes and Tiny Home Communities</u></p> <p><u>3-15-1 Registration</u></p>	<p>Any tiny home or Recreational Vehicle being occupied in a Tiny Home Community or as an Accessory Dwelling Unit for more than 14 days is required to be registered with the city clerk of Garden City. The registration form filled with the city clerk shall include the following information:</p> <p>B. The full name of the owner of the Tiny Home or Recreational Vehicle;</p> <p>C. The License Plate number for the Tiny Home or Recreational Vehicle;</p> <p>D. The address of the Tiny Home Community</p> <p>E. The full names and relationships of all those who will reside in the Tiny Home Community</p> <p>F. The full names and relationships of all those who will reside in the Tiny Home or Recreational Vehicle;</p> <p>G. The type of Tiny Home and any certifications that may apply; i.e., Professionally built-RVIA certified, Homebuilt- IBC standards, etc.</p> <p>H. A minimum of 2 Photographs that together show all four sides of the Tiny Home</p>	<ul style="list-style-type: none"> • If the intent of registering is to meet the state’s requirement that the homes not “permanent” the dates of the stay at a given community or address is needed. • “registered with the city clerk of Garden City” would be better stated “registered with Garden City” • What is the “type of Tiny Home”? These needs defined. • There should be a requirement for the Tiny Homes on wheels to be RVIA certified. • If the communities allow stick built Tiny Homes, the provisions provided in the proposed 8-2C-49 would need to be updated. • What is the intent of: “The full names and relationships of all those who will reside in the Tiny Home Community.”? • What is the intent of: “The full names and relationships of all those who will reside in the Tiny Home or Recreational Vehicle;”? • Accountability and management should lie with community owners. Regulatory authority there of should be with the city. • A penalty such as loss of ability to have a community should be identified. 																											
<p>Table 8-2B-1¹:</p>	<table border="1"> <thead> <tr> <th></th> <th>R-1</th> <th>R-2</th> <th>R-3</th> <th>R-20</th> <th>C-1</th> <th>C-2</th> <th>M</th> <th>LI</th> </tr> </thead> <tbody> <tr> <td>...</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Temporary Use*</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td></td> <td></td> </tr> </tbody> </table>		R-1	R-2	R-3	R-20	C-1	C-2	M	LI	...									Temporary Use*	P	P	P	P	P	P			<p>Under Garden City Code a “tiny home community <i>on wheels</i>” can already be established if the homes are reviewed as recreational vehicles (RVs). They must comply w 8-2C-33 and the vehicle would need to be classified as an RV under Idaho Statutes</p>
	R-1	R-2	R-3	R-20	C-1	C-2	M	LI																					
...																													
Temporary Use*	P	P	P	P	P	P																							

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

	<table border="1"> <tr> <td data-bbox="347 176 526 264"><u>Tiny Home Community*</u></td> <td data-bbox="531 176 579 264"></td> <td data-bbox="584 176 633 264"></td> <td data-bbox="638 176 686 264">P</td> <td data-bbox="691 176 740 264"></td> <td data-bbox="745 176 794 264"></td> <td data-bbox="799 176 847 264">P</td> <td data-bbox="852 176 901 264"></td> <td data-bbox="906 176 954 264"></td> </tr> <tr> <td data-bbox="347 270 526 338">Tobacco entertainment facility*</td> <td data-bbox="531 270 579 338"></td> <td data-bbox="584 270 633 338"></td> <td data-bbox="638 270 686 338"></td> <td data-bbox="691 270 740 338"></td> <td data-bbox="745 270 794 338">P</td> <td data-bbox="799 270 847 338">P</td> <td data-bbox="852 270 901 338">P</td> <td data-bbox="906 270 954 338">P</td> </tr> <tr> <td colspan="9" data-bbox="347 344 954 411">...</td> </tr> </table>	<u>Tiny Home Community*</u>			P			P			Tobacco entertainment facility*					P	P	P	P	...									<p>and be reviewed for life safety under RVIA Standards.</p> <p>The applicant is wishing to establish a new section of code to reduce the size requirement of the community and establish “semi-permanent” living. “Semi-permanent” living guidance does not exist in Idaho Code.</p> <p>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. ²</p> <p>Homes and communities could establish without any permit or oversight as proposed as there is no review process established for the homes or for the communities. It is suggested 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.</p>
<u>Tiny Home Community*</u>			P			P																							
Tobacco entertainment facility*					P	P	P	P																					
...																													
8-7A-1 Definition of Uses	<p>“Tiny Home Community” <u>“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.”</u></p>	<p>A better definition may be: “Tiny Home on wheels Community: The use of a site by two (2) or more Tiny Homes on wheels.”</p> <ul style="list-style-type: none"> ○ 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. 																											
8-7A-2 Definitions of Terms	<p><u>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</u></p>	<p><u>Through the previous set of work sessions, it was identified that the applicant is only wishing to address only Tiny Homes on Wheels.</u></p> <ul style="list-style-type: none"> ● A suggested might be along the lines of: “TINY HOME ON WHEELS: a moveable dwelling on wheels or a trailer with wheels, certified to be compliant with the American National 																											

² Image A: Zoning Map, is included at the end of this document for reference: [Direct link to Map](#)

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.

Standard Institute (ANSI) or National Fire Protection Association (NFPA) standards for recreational vehicle standards, 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 Idaho Statutes.”³

- 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”
 - This would be better in a purpose statement. 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).

³ A definition for Recreational Vehicle is not specified in Title 8

		<ul style="list-style-type: none"> • 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 • Design standards outside of the site layout in “Tiny Home Communities” requiring units adjacent to the street to have windows, colors, and roof modulation have not been addressed. Interior units or ADUs still do not have design standards.
<p>8-2C Land Use Provisions “Tiny Home Community” 8-2C-49</p>		<p>Based on the first set of work sessions this has been reviewed as a “Tiny Home on wheels Community”</p>
<p><u>Setbacks and Dimensional Requirements</u></p>	<ol style="list-style-type: none"> 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 all Tiny Homes, Pads, utility hookups (i.e. water, sewer, power), and all other site features shall comply with the setbacks of the base zoning district 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. 	<ul style="list-style-type: none"> • Density should be relocated to a different subsection. • 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. • For life, safety purposes there should be a minimum setback between units.
<p><u>Site Layout and Design</u></p>	<ol style="list-style-type: none"> 1. <u>Tiny Home Communities shall have individual, distinctive pads for locating each Tiny Home within the community.</u> 2. <u>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.</u> 3. <u>Internal site drive aisles shall have a minimum lane width of ten feet (10') where</u> 	<ul style="list-style-type: none"> • <u>No open space or amenities have been established.</u> 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: • Hydrants needed.

	<p><u>parking is not permitted. Internal one-way drive aisles shall be encouraged. All drive aisles, Tiny Home pads, and parking areas shall be paved with concrete, asphalt, crushed granite, or another approved rock base material.</u></p> <p>4. <u>Tiny home communities will provide a minimum of 0.4 ten by twenty (10' x 20') parking spaces for each tiny home pad in the r-3 zone. To further encourage affordability and the use of alternate forms of transportation Tiny Home Communities shall provide 1 bicycle parking space for each Tiny Home pad.</u></p> <p>5. Tiny Home pads along the front property line shall engage and face the street and there shall be clear pedestrian connectivity into the site.</p> <p>6. 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.</p> <p>7. When Outdoor lighting is shall be provided, it Outdoor lighting shall comply with all requirements of the underlying base zoning district code.</p> <p>8. <u>Tiny Home Communities shall be screened from adjacent properties by a sight obscuring planting screen, fence, or combination thereof, and shall meet all landscaping requirements of the underlying zoning code. Where adjacent to public right of way Tiny Home community design and layout should address the street and elevations of individual tiny homes should contain the following: 1. Windows; 2 A variety of colors; 3. Modulation in the tiny home façade or roof line; 4. Clear pedestrian connectivity into the site from the sidewalk.</u></p> <p>9. <u>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.</u></p> <p>10. <u>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.</u></p> <p>11. <u>Each tiny home pad shall be provided with a minimum of 30 amp electrical service.</u></p>	<ul style="list-style-type: none"> • Occupancy based on pad site/space • Setbacks between units • Access to public streets • Community identification (for emergency medical services) • Space identification (for emergency medical services) • Common area • Usable open space • Storage • Requirement for on-site management • Amenities such as laundry facilities, restroom facilities, areas such as a community room for when there are guests, see also required multi-family amenities 8-2C-15 B <ul style="list-style-type: none"> • 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. • The provisions in #8 would be better if separated into individual provisions. • If there is no review or permits required, how are the homes and the site ensured to be compliant? • As the units are to be semi-permanent, how will the end units be reviewed for modulation, colors, windows, etc.? Is the Tiny Home on Wheels owner required to self-prohibit units that do not address the street and provide connectivity? • Removing visibility from the street, disengages the community from the public realm and decreases view for the police department. • 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?
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		<p>Who is the health authority who would review?</p> <ul style="list-style-type: none"> • The wording “underlying base zoning district code” would be better stated: “standards as set forth by this Title.” • 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.”
<p><u>Parking, Drive Aisles, and Tiny Home pads</u></p>	<ol style="list-style-type: none"> 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. 	
<p><u>Landscaping</u></p>	<ol style="list-style-type: none"> 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.	
<u>Community Limitations</u>	<ol style="list-style-type: none"> 1. <u>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.</u> 2. <u>It shall be unlawful for a Tiny Home Community owner or tenant to permit a recreational vehicle to remain situated in a Tiny Home Community in excess of one hundred and eighty (180) days. Where the Tiny Home Community tenant is physically disabled from traveling, extensions may be granted by the planning and zoning administrator and/or his or her designee in conjunction with the proprietor of the Tiny Home Community</u> 3. <u>Where a Tiny Home Community tenant remains in a Tiny Home Community in excess of one hundred and eighty (180) days, the Tiny Home Community proprietor will so advise the planning and zoning administrator and/or his or her designee and cooperate with the planning and zoning administrator and/or his or her designee and city attorney in removing said holdover tenant.</u> 4. <u>It shall be unlawful to remove the wheels from any recreational vehicle located within a Tiny Home Community as defined in this chapter. It shall also be unlawful to permanently affix any such living unit to the ground when located within such a Tiny Home Community.</u> 	<ul style="list-style-type: none"> • The term "Traditional RV" needs defined. • Who monitors the percentage? How is this enforced? • Should 8-2C-E (1) match RV park requirements of 90 days? • What are the criteria for granting an extension? How long can the extension be granted? • The term "Planning Official" should be used instead of planning and zoning administrator. • When a tenant overstays the allowable time, rather than "advise" the planning and zoning administrator and cooperating to remove the tenant, the proprietor shall require that the Tiny Home Community tenant move. • What are the penalties?
<u>Site Maintenance</u>	<ol style="list-style-type: none"> 1. <u>A manager shall be reachable by phone 24 hours a day</u> 	<ul style="list-style-type: none"> • Management that does not have an on-site presence is often less effective. An on-site manager can see refuse, storage, problematic tenant behaviors, etc. • If there is no on-site management, and no permitting process, who is responsible to ensure that the community and Tiny Homes are in compliance? • Consider adding: No outdoor storage.
<u>Other Standards Apply</u>	<u>Outdoor storage, service and equipment areas shall comply with sections 8-1C-3, Property Maintenance Standards, and 8-4A-5, Outdoor Service And Equipment Areas, of this title.</u>	<ul style="list-style-type: none"> • Consider adding language such as "Design Standards not specifically addressed by this section shall adhere to GCC 8-4

8-2C-14 Dwelling Unit Accessory		
Setbacks And Dimensional Standards:	<ol style="list-style-type: none"> 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. <u>Tiny Homes as small as 120 square feet may be used for accessory dwelling units.</u> 	<ul style="list-style-type: none"> • 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?
Additional Standards	<p><u>In addition to meeting all building codes for a dwelling unit, recreational vehicle, or a tiny home, an RV, dwelling unit, or tiny home, the following provisions shall be complied with:</u></p> <ol style="list-style-type: none"> 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. <u>Manufactured and mobile homes shall not be permitted as an accessory dwelling unit if they don't meet the definition of a tiny home.</u> 9. <u>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.</u> 	<ul style="list-style-type: none"> • “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”

I. Agency Comments

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

J. Public Comment

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

K. 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 TBD Planning and Zoning Commission: TBD	City Council: TBD

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.

L. 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	<p>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 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</p>

**Goal 10 Plan for the Future, and
Goal 11 Serve the City.**

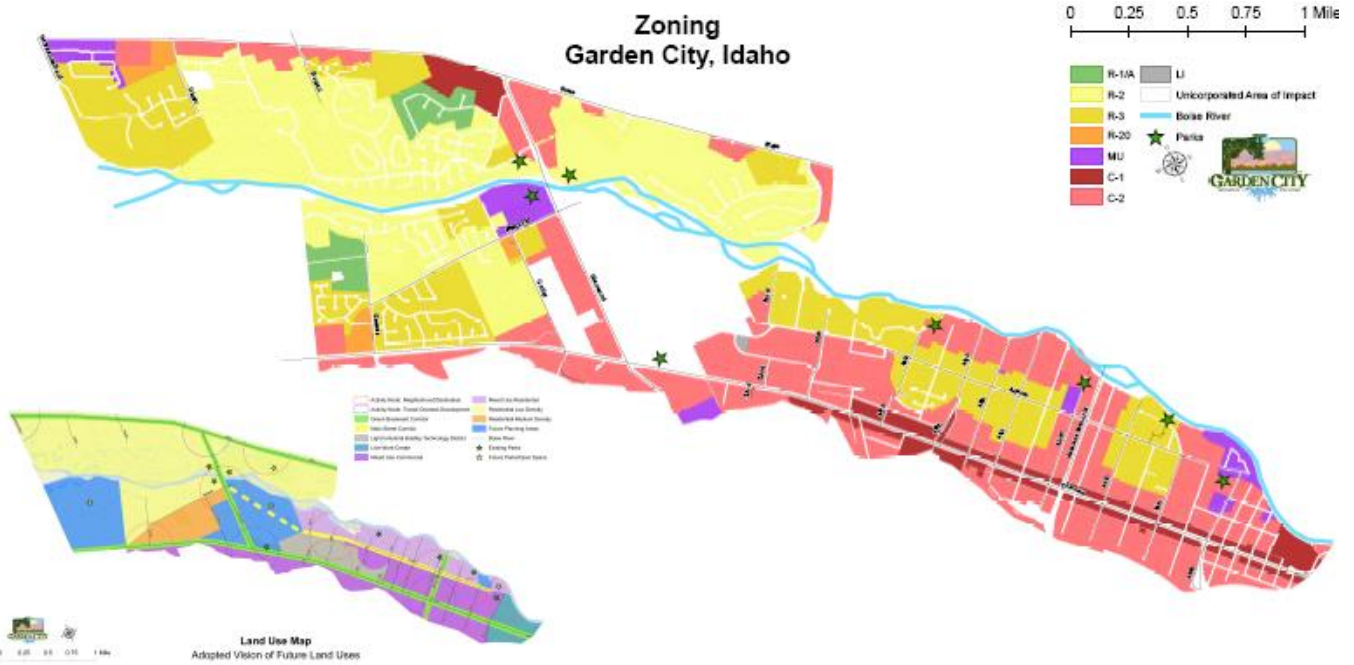


Image A: Zoning Map