

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

THIS IS NOT A PREDETERMINED DECISION. ALL EVIDENCE WILL BE CONSIDERED. A DIFFERENT DECISION MAY RESULT IN AN UPDATE OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, OR CONDITIONS.

In the Matter of:)	SUBFY2021-0004
)	
Condominium Subdivision Extension)	FINDINGS OF FACT,
Address: 9557 W. State Street)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
<hr/>		

THIS MATTER, came before the Garden City Council for consideration on April 25, 2022. The City Council reviewed the request. Based on the evidence presented, pursuant to Garden City Code § 8-6-A. 8 the City Council makes the following Findings of Fact, Conclusions of Law, and Decision:

FINDINGS OF FACT

1. The requestor is Amanda Wiemiller representing KM Engineering.
2. The property owner of record is Residences at Sleepy Hollow LLC.
3. The location of the project is 9557 W. State Street; S0514438580; Property is described as PAR #8580 @ S SIDE SW4SE4 SEC 14 4N 1E PARCEL A R/S 10007
4. The plat was approved for one year by City Council on February 8, 2021.
5. The city received a second one-year extension request in writing on March 25, 2022, noting cause related to:
 - a. A subdivision name discrepancy was noted, which necessitated starting the project over.
 - b. Several of the coordination items have had delays.
6. The City Council considered request on April 25, 2022.
7. The record contains:
 - a. Applicant request.
 - b. Record documents for SUBFY2021-04
8. 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/ No	<p>1. Good Cause exists for the request.</p> <p><u>Explanation:</u></p> <p><u>In Compliance</u> Good cause for the request exists. There was an unforeseen discrepancy noted with the subdivision name. This required that the applicant start over, causing delays. Further delays occurred on several of the coordination items.</p> <p><u>Not In Compliance</u> Good cause does not exist for the request. There are not extenuating circumstances that have been identified that warrant an extension.</p> <p>2. The application and or applicable city regulations have not changed.</p> <p><u>Explanation:</u> The applicable city regulations have not changed.</p> <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></p> <p><u>In Compliance</u> There has not been change in the neighborhood, plans or policies that affect the compatibility of the project.</p> <p><u>Not In Compliance</u> Provide explanation as to how the neighborhood has changed.</p>

		<p>4. The subject property is compliant and has been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application.</p> <p><u>Explanation:</u> <u>In Compliance</u> There are no known violations at the subject property. It is presumed that the property is compliant and has been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application.</p> <p><u>Not In Compliance</u> <u>Cite noncompliance</u></p> <p>5. It is in the City’s best interest to grant the extension:</p> <p><u>Explanation:</u> <u>In Compliance</u> It is in the City’s best interest to grant the extension.</p> <p><u>Not In Compliance</u> It is not in the City’s best interest to grant the extension as: <u>cite reason.</u></p>
--	--	---

CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and concludes the application **does/ does not** 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/ Deny** this request for an extension of the building permit.

1. **This approval is for a one-year extension to February 8, 2023.**
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

Date