

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	SUBFY2019-1
)	
Extension Request)	FINDINGS OF FACT,
Address: 3857 N. Reed Street)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER, came before the Garden City Council for consideration on February 8, 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 (as amended in 2018 by Ordinance 1002-18), the City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The requestor is Earl Eblen with B&A Engineers, Inc.
2. The property owner is Todd Campbell Construction, Inc.
3. The location of the project is 3857 N. Reed Street, Garden City, ID 83714; Ada County Parcels R2734520646 and R2734520044.
4. The application was approved for one year by City Council on March 11, 2019.
5. The City received a one-year extension request in writing on January 22, 2020 noting:
 - a. Recommendation for 12 months of ground water data to be collected, as required by ACHD.
6. A one-year permit extension was granted on January 27, 2020.
7. The City received a second extension request in writing on January 27, 2021 and a revised request in writing on January 28, 2021 noting:
 - a. The project has changed hands; and
 - b. Unanticipated road widening requirement from ACHD requiring that the application construct from the center of the asphalt rather than the center of the right-of-way causing delays in the project due to the requirement to meet both ACHD and Garden City street and sidewalk requirements.

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	<p>1. Good Cause exists for the request:</p> <p><u>Explanation:</u> Good cause for the request exists. The project has changed hands. Furthermore, the application is not meeting Garden City Code's timeframes largely due to unforeseen requirements related to Reed Street that has required substantial time and effort to resolve.</p> <p>2. The application and or applicable regulations have not changed.</p> <p><u>Explanation:</u> There has not been a substantial change in the application nor has there been changes in applicable regulations.</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> There has not been change in the neighborhood, plans or policies that affect the compatibility of the project.</p> <p>4. The property is compliant and has been compliant, or actively pursuing compliance with all city, state, and federal with codes and laws since the date of approval:</p> <p><u>Explanation:</u></p>

		<p>The application has been actively pursuing being complaint with all applicable laws, thus resulting in lack of adherence to the applicable timeframes.</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>
--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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 subdivision approval.

1. The subdivision approval extension request has been approved for one year, to da date of February 8, 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

2-9-21

 Date

