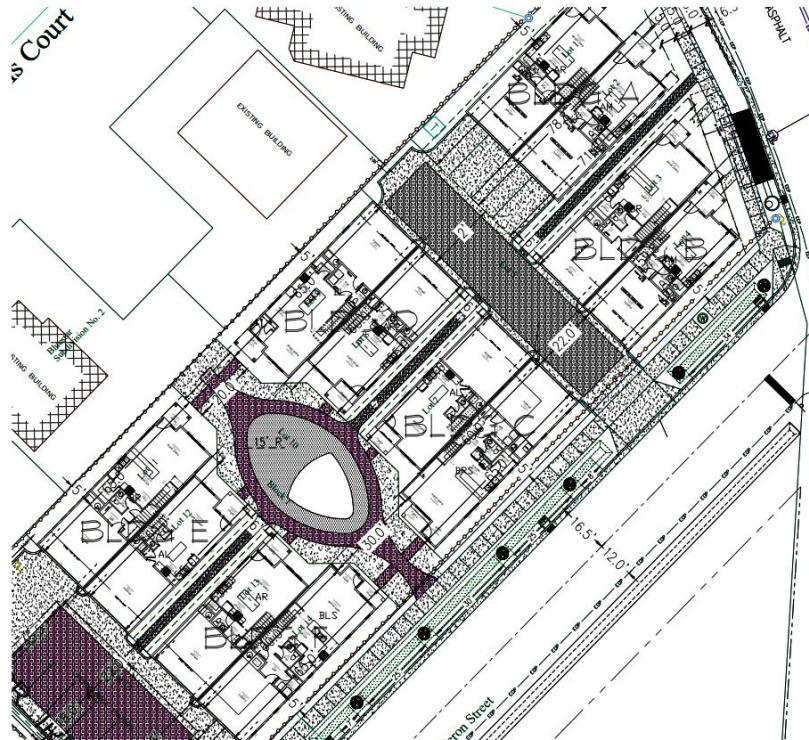




CITY OF GARDEN CITY

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

File Number: SUBFY2019-1
Request: Final Plat approval of Blue Herra Subdivision
Location: 3857 N. Reed Street
Applicant: Todd Campbell Construction, Inc.
City Council Preliminary Plat Approval: March 11, 2019
Report Date: May 10, 2021



Staff Report
Report prepared by Jenah Thornborrow

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A. Planning Official Recommendation and Discussion:

The process governing the final subdivision procedure is found in G.C.C. § 8-5B-3. Pursuant to the code, a final plat is reviewed by the planning official, which is the recommending authority, and the city council is the final decision-making body. G.C.C. §§ 8-5B-3.D; 8-6A-2.E; Table 8-6A-1; Table 8-6A-3.

The planning official reviewed this final subdivision submittal, for “substantial compliance” with the approved preliminary subdivision and has found the submittal to be in substantial compliance with the preliminary plat.

It should be noted that there are a few minor items remaining that can be addressed at a staff level. This includes that the plat contains the required information related to floodplain regulations and submittal and review of the CC&Rs. The draft potential decision document contains corresponding conditions of approval.

B. Project Information

Record Documents:

- [Final Plat Potential Draft Findings of Fact, Conclusions of Law and Decision](#)
- [Final plat application materials](#)
- [Final Plat Noticing documentation](#)
- Final Plat Agency Comments: NA- None provided
- Final Plat Public Comments: NA- None provided
- [All project materials](#)

Proposed Scope of Work:

This application is for a final plat subdivision per Garden City Code 8-7A-2 Definition of Terms:

Subdivision: The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which may also include easements and the dedication of a public street or designation of private lanes or rights-of-way, and the addition to, or creation of, a cemetery

Plat: The drawing, mapping or planning of a subdivision, cemetery, town site or other tract of land or a replatting of such, including certifications, descriptions and approvals.

Final Plat: The final and formal presentation by drawings of an approved subdivision development, the original and one (1) copy of which are filed with the county clerk and recorder.

Review Process

[8-5B-3](#) Final Plat

Site Conditions:

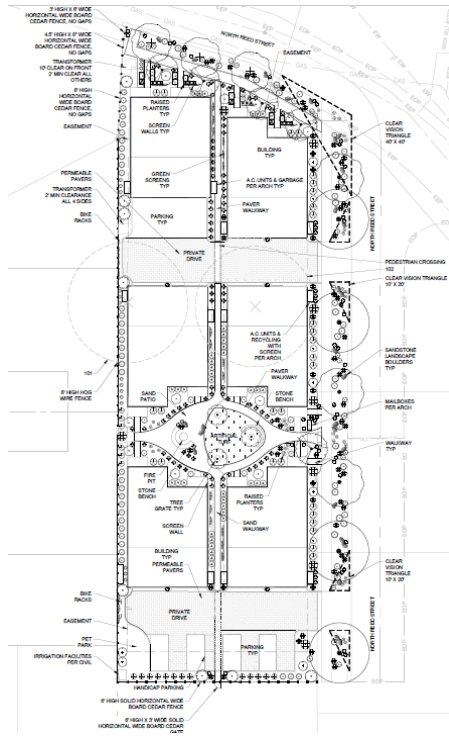
- 1) Street Address: 3857 N. Reed Street
- 2) Property Size: .69 acres
- 3) Zoning District: R-3 Medium Density Residential Zoning District.
- 4) Comprehensive Plan Land Use Map Designation:
 - a) Mixed Use Residential
- 5) Floodplain Designation:
 - a) 2003 FIRM: 100 Year
 - b) FIS for 2020 FIRM: 100 Year
- 6) Surrounding Uses:
 - a) Residential
 - b) Public Use (Blue Herron Park)

- 7) Existing Use: None
- 8) Site Access: Reed Street (currently)
- 9) Sidewalks: No existing

Project Details:

- 1) City Council Preliminary Plat approval date: March 11, 2019
- 2) Proposed development: residential, processed as a Minor Planned Unit Development
- 3) Total number of lots: 15
 - a) Common: 3
 - b) Residential:12
 - c) Non-Residential:0
 - d) Mixed-Use:0
 - e) Live-Work:0
- 4) Density: 17 Dwellings per acre
- 5) Site Coverage:
 - a) Building: 43 % of the site
 - b) Landscaping: 32 % of the site
- 6) Access: Proposed new ACHD street
- 7) Total number of vehicular parking spaces: 30
 - a) Enclosed: 19
 - b) Surface: 11
 - c) On-Street: 12
 - d) Off-site with a cross parking agreement: 0
- 8) Total number of bicycle parking: 4
- 9) Refuse: Each unit will have its own service
- 10) Sidewalk:
 - a) Detached proposed

Below are images of the site layout/ landscaping and an example of the proposed structures as approved by the preliminary plat.



Site Layout and Landscaping as approved



A.M. MEDIUM UNIT
Lot 2

A.R. MEDIUM UNIT
Lot 1

FRONT ELEVATIONS.

AM & AR
BLUE HERON
SUBDIVISION
FO MPCA
PRELIMINARY

Example Rendering of Proposed Elevations as Approved in the Preliminary Application

C. Decision Process

General Provisions

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

6 FINAL PLAT CITY COUNCIL STAFF REPORT SUBFY2019-1 BLUE HERON

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

Decision	Recommendation Authority	Decision Authority
Final Plat	Planning Official	City Council: Hearing May 10, 2021

Required Findings:

For the approval of a FINAL SUBDIVISION PROCESS, per GCC 8-5B-3:

The planning official or designee shall review the final subdivision for substantial compliance with the approved or conditionally approved preliminary subdivision. The final subdivision shall be determined in substantial compliance with the preliminary subdivision, notwithstanding the following changes:

- (1) The number of buildable lots is the same or fewer;
- (2) The amount of common open space is increased;
- (3) The amount of open space is relocated with no reduction in the total amount;
- (4) The number of open space lots has been increased;
- (5) The transportation authority has required minor changes; or
- (6) The general configuration has changed by less than ten percent (10%).

If the number of buildable lots has increased or there has been an overall reduction in the amount of open space, the final subdivision shall be determined not to be in substantial compliance with the preliminary subdivision. If the planning official determines that there is substantial difference in the final subdivision than that which was approved as a preliminary subdivision or conditions which have not been met, the planning official may require that a new preliminary subdivision be submitted to 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. The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

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

Decision

The City Council may take one of the following actions:

1. Grant the request;
2. Grant the request with conditions;
3. Deny the request.

Reconsideration of Decision:

A reconsideration request may be made within 14 days of the formal decision being rendered. Final decisions are subject to a 28-day right to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code. A takings analysis pursuant to Idaho Code may be requested on final decisions.

D. Agency Comments

No agency comments have been received as of the drafting of this review.

E. Public Comment

No public comments have been received as of the drafting of this review.

F. 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			
8-1A-4 Applicability			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-5B-3 Final Subdivision Process			
8-5B-3 B Contents of final Subdivision			<i>B. Contents of Final Subdivision: The final subdivision shall include and be in compliance with all items required under Idaho Code section 50-1301 et seq. The final subdivision submittal shall include at least:</i> <ol style="list-style-type: none"> 1. A written application for approval of such final subdivision as stipulated by the city; 2. Proof of current ownership of the real property included in the proposed final subdivision and consent of recorded owners of the subdivision; 3. Such other information as the planning official or city engineer may deem necessary to establish whether or not all proper parties have signed and/or approved said final subdivision; 4. A statement of conformance with the approved preliminary subdivision and meeting all requirements or conditions thereof; 5. A statement of conformance with all requirements and provisions of this title; 6. A statement of conformance with acceptable engineering, architectural and surveying practices, and local standards; and 7. A copy of the CC&Rs for recording.
8-5B-3C.2 Substantial Compliance	PO/CC	No compliance issues noted.	(1) The number of buildable lots is the same or fewer; (2) The amount of common open space is increased; (3) The amount of open space is relocated with no reduction in the total amount;

			<p>(4) The number of open space lots has been increased; (5) The transportation authority has required minor changes; or (6) The general configuration has changed by less than ten percent (10%).</p> <p>b. If the number of buildable lots has increased or there has been an overall reduction in the amount of open space, the final subdivision shall be determined not to be in substantial compliance with the preliminary subdivision. If the planning official determines that there is substantial difference in the final subdivision than that which was approved as a preliminary subdivision or conditions which have not been met, the planning official may require that a new preliminary subdivision be submitted to the city.</p> <p>Generally, if a final plat is consistent with the law, the comprehensive plan, the preliminary plat and the changes and conditions required at the preliminary plat stage, the city council should approve the final plat.</p> <p>The final plat and construction plans must be in conformance with the City Council approvals prior to being approved for construction or for recordation.</p>
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process	PZ/DRC/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		No concerns noted	<p>All documents required to adequately review the application for compliance is required. There is a potential condition of approval that the city engineer may waive some of the documentation if the documentation is not necessary.</p> <p>There is a potential condition of approval CC&Rs will be required prior to signature of the final plat.</p> <p>Ada County does not issue addresses until after the recordation of the plat. There is a standard condition of approval that requires that the addresses be submitted prior to issuance of a building permit.</p>
8-6A-7 Public Hearing Process			The City provided a radius notice and notifications to agencies with jurisdiction. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.

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Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6513 Local Land Use Planning Subdivision Ordinance	<p>Garden City has, by ordinance, adopted hearing procedures compliant with section 67-6509, Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329, Idaho Code.</p> <p>This statute enables Garden City regulations to provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.</p> <p>This section notes that denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.</p>