



CITY OF GARDEN CITY

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File Number: SUBFY2020-07 and ANNEXFY2020-1
For: Combined Preliminary Plat and Annexation
A 24 detached single-family home subdivision with 5 common lots
Location: 6300 N. Ulmer Lane
Applicant: Josh Beach – Sawtooth Land Surveying, LLC
Report Date: P&Z: October 21, 2020 and DSR: September 21, 2020 moved to a date certain of October 21, 2020
Updated to Include Recommendations: City Council November 9, 2020



Staff Report
Report prepared by Hanna Veal

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A. DSR Pre-App Recommendation Summary:

The Committee provided the following requests and comments at the September 8, 2020 Design Review Hearing:

- I. To what extent has the applicant tried to work with connections from the proposed subdivision to N. Ulmer Lane. Have they reached out to Dry Creek Canal, HOA, or ACHD?
- II. What are the plans for the extra remnant of land on the eastern property line? Are the intentions to extend the common drive into that remnant for future development?
- III. Detached sidewalks are required.
- IV. New landscaping plans to determine compliance with code.

B. DSR Final Hearing Recommendation Summary:

- I. Josh Beach and Jim Jewett presented the application.
- II. Staff, Hanna Veal, presented the staff report.
- III. Public testimony was heard from:
 - a. Paul Calverley, neutral, testifying concerning the existing fence placement with something solid and questioning who the developer is.
 - b. Sandra Sweet, in opposition, testifying concerning the confusion between the developer and the applicant. The comments made by ACHD and ITD regarding the right-of-way off N. Ulmer Ln. vacation. Requests copy of staff report for neighborhood HOA.
 - c. Steve Torrano, in opposition, testifying concerning the staff reports support of the connection to N. Ulmer Ln. Army St. exit is not capable of handling more traffic created by the subdivision. Addresses comments made by ACHD allowing the right-of-way to be vacated. Proposed homes and lots are not compatible with the surrounding neighborhoods.
 - d. David Hume, in opposition, testifying that access to N. Ulmer Ln. should be utilized to provide more appropriate vehicle and pedestrian connectivity than the proposal to only use Army Ln. The irrigation district south of State Street has part of their irrigation exit into Dry Creek Canal. Irrigation water distribution system will no longer be ditches, presume that it will be buried, and perpetual maintenance will be the subdivisions responsibility.
 - e. Allie Gooding, in opposition of the proposed entrance and exit of the subdivision, testifying concerning the unsafe conditions at the intersection of Army Ln. and State St. Traffic accumulates due to west turning vehicles and fears that the proposed subdivision will only create a bigger issue. Impatient drivers cut through McLeary's parking lot. Wants connection to N. Ulmer Ln.
 - f. David Bell, in opposition, testifying concerning the increased vehicle traffic in the surrounding neighborhoods. Questioned why there was no lighting plan submitted. Biggest concern is access to N. Ulmer Ln. as it seems to provide the safest exit onto State St.
 - g. Scott Coluthier, testifying concerning the car trip generations produced by the proposed subdivision and how it would affect N. Ulmer Ln. N. Ulmer Ln. would not be able to handle the new development's traffic loads, in addition to the Riverside Village and Osprey Meadows traffic.

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- h. Ron Millar, Osprey Meadows HOA President, testifying concerning the access to N. Ulmer is essential for anyone wanting to travel west on State St.
- IV. Jim Jewett provided rebuttal testimony.
 - a. Riverside Drive and Arny Ln. are the two access points.
 - b. ACHD previously did not allow access to N. Ulmer Ln.
 - c. Made subdivision lots to be similar size of those surrounding neighborhoods.
 - d. Will apply for vacation of spite strips between preliminary and final plat approval.
 - e. Intends to allow for future greenbelt pathways.
 - f. Willing to create detached sidewalks.
 - g. Investigation into tree mitigation.
 - V. Public Hearing was closed.
 - VI. Committee Member Labrie moved to approve the application as conditioned in the draft decision with the addition of conditions:
 - a. Attached sidewalks are permitted.
 - b. Propose connections to N. Ulmer Ln.
 - c. Preserve the potential for a future greenbelt pathway
 - d. HOA can determine the kind of fencing used.
 - VII. Committee Member Gresham seconded the motion.
 - VIII. The motion passed unanimously.

C. Planning and Zoning is scheduled to hear this application on October 21, 2020:

B. Project Information

Proposed Scope of Work:

This application is for a subdivision and an annexation 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.

Annexation: The process by which the city's corporate boundary is expanded to incorporate additional property pursuant to Idaho Code section [50-222](#).

| Review Process | Notes |
|---|-------|
| 8-5B-4 Combined Preliminary and Final Subdivision Process | |

| Special Provisions | Notes |
|---|--|
| Subdivisions located within a Floodplain 8-5C-4 | A floodway development application will be reviewed in conjunction with construction plans provided approval of the requested application. |
| Specific Area Plan 8-6B-6 | Required when properties of over 10 acres or requesting annexation |

Site Conditions:

- 1) Street Address: 6300 N. Ulmer Lane
- 2) Parcel Number(s): R8123254980
- 3) Subdivision: LOT 28 Steins SUB #9063147
- 4) Property Size: 6.4 acres
- 5) Zoning District: RUT to R-2
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designation:
 - a) Residential Low Density
- 8) Legal Lot of Record: Yes
- 9) Floodplain Designation:
 - a) 2003 FIRM: AE 100 Year
 - b) 2017 Draft FIRM: AE 100 Year
- 10) Surrounding Uses within 600 feet:
 - a) Single Family Detached Dwellings
 - b) Service Provider
 - c) Church or place of Religious Worship
 - d) Drinking Establishment, Full Service
 - e) Nursery
- 11) Existing Use: it appears to be a detached single-family dwelling and agriculture.
- 12) Easements on site: There are no records on file with Garden City of existing easements on the site. However, easements that are located near the site are:

- a) Lakeland Village 06 Sub Plat: Storm Drainage and Common Lot Easement
 - b) Sleepy Hollow Sub Plat: Common Lot Egress-Ingress Easement.
 - c) 70' Irrigation Easement
 - d) True Water & Sewer Easement and Agreement.
- 13) Site Access: Proposed site access from N. Duncan Ave. and W. Osprey Meadows Dr.
- 14) Sidewalks:
- a) Existing attached public sidewalk in good repair on both sides of N. Ulmer Ln.
 - b) Existing attached sidewalk in what appears to be good repair on both sides of N. Duncan Ave.
 - c) Existing attached sidewalk in good repair on both sides of W. Osprey Meadows Dr.
 - d) There is currently not sidewalk on the proposed site.
 - e) The applicant has proposed attached sidewalks.
- 15) Wetlands on site: none identified

Project Details:

- 1) Proposed development: residential - Combined Preliminary and Final Plat
- 2) Total number of lots: 29
 - a) Common: 5
 - b) Residential: 24
- 3) Density: 3.75 Dwellings per acre
- 4) Site Coverage:
 - a) Building: unknown
 - b) Landscaping: unknown
 - c) Paved Areas: unknown
- 5) Open Space: 26,453sqf
- 6) Access: Drive from N. Duncan Ave.; from W. Osprey Meadows Dr.
- 7) Total number of vehicular parking spaces: 96
 - a) Enclosed: 2 per home (48 total)
 - b) Surface: 2 per home (48)
 - c) On-Street: Street is wide enough to accommodate parking on both sides of the proposed street, but exact number is not disclosed.
- 8) Total number of bicycle parking: Not disclosed
- 9) Refuse: Republic Services will pick up individual services internal to the development
- 10) Fencing: 5-foot wrought iron fencing along the subdivision boundary and adjacent to internal common lots.
- 11) Sidewalk:
 - a) Attached proposed
- 12) Landscaping: While landscape plans were submitted, exact number of trees and shrubs were not stated. By counting what was drawn on the plans, it appears that there are:
 - a) Unknown number of shrubs or bushes; turf and rock mulch
 - b) Unknown total number of trees
 - i) 13 Class I, 0 of which are street trees
 - ii) 3 Class II, 0 of which are street trees
 - iii) 6 Class III, 0 of which are street trees
 - c) Parameter Landscaping: None
- 13) City Utilities
 - a) Water and Sewer connection to all lot but 20, 9 & 7 (open common lots)

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- b)** Sanitary sewer line connection is proposed to be constructed through common lot 9 and that crosses the Dry Creek Canal.
 - c)** Hydrant on lots 20 & 9.
- 14)** Pathway: connection via sidewalk from both N. Duncan Ave. and W. Osprey Meadows Dr. to a Greenbelt connection.
- 15)** Proposed Easements: Not disclosed. The city will require easements to the city be provided for water mains, water meters, fire hydrants, sanitary sewer mains, sanitary sewer services and manholes.

C. Discussion

This is an application for the annexation and rezone of the property at 6300 N. Ulmer Lane. The property is currently located in Ada County, in the RUT zoning district. The applicant wishes to annex this parcel of land into Garden City and rezone it as R-2. R-2 zoning district is defined as low density residential district with no minimum density requirement, but with a maximum density requirement of 6 dwelling units per acre. The typical housing types seen within the R-2 zoning district consist of single-family detached and attached; and two-family dwelling units. The proposed use of 24 single-family detached dwelling units is permitted within the requested R-2 zoning district.

This is a category A type annexation and will be processed according to the standards of its respective category.

[Garden City Code 8-4E Transportation and Connectivity Provisions](#) has regulations on standards for streets, transit, pedestrian and bicycle connectivity to help maintain the safety and connectivity of all new construction on a property. The Perch Meadows subdivision has proposed pedestrian connectivity through their subdivision by proposing attached sidewalks on N. Duncan Ave. and W. Osprey Meadows Drive. They also have plans for a pedestrian pathway through the open space lot #7 to connect the southern side of the subdivision to the northern side. The applicant has stated that the attached sidewalk along N. Duncan Ave. will provide the connectivity to the existing multi-use pathway located on the northern border of the property.

Staff has noted that there is no proposed connectivity to N. Ulmer Lane on the western side of the property boundary. By proposing a connection from the subdivision to N. Ulmer Lane, the accessibility for pedestrians, bicyclist, and possibly even vehicles would increase drastically. The current orientation of the site puts the western property boundary right up against the existing 30' right of way, as you move westward there is the Dry Creek Canal, then there are two unbuildable lots along the right-of-way that preclude connection to N. Ulmer Lane. Lots in this configuration are commonly referred to as "spite strips". The spite strips currently owned by Lakeland subdivision and Sleepy Hollow subdivision, are then followed by an attached public sidewalk connected to N. Ulmer Lane. (Please see end of staff report for photo demonstrating this alignment). If the Perch Meadows subdivision were to gain access/permissions to cross the Dry Creek Canal and the spite strips to connect with N. Ulmer Ln., the connectivity of all the surrounding neighborhoods would improve significantly. Staff has noted that if a vehicular roadway were to be installed to N. Ulmer Ln., it would be the most beneficial for the safety and wellbeing of the entire community.

Current proposed plans push all vehicular traffic onto Arney Lane, an already busy road with substandard pedestrian and bicycle infrastructure (please refer Image 1 on pg. 21 of the staff report). For people exiting Arney Lane left onto State St., they must make the left-hand turn onto the busy street without any traffic signal. According to ITD, it would be their preference for the subdivision to connect at Ulmer Lane. As it currently stands, neither intersection is more or less safe than the other. However, Ulmer is planned for signalization once Duncan St. is realigned. It is at this point where Ulmer Ln. will provide for the safest turning movement for vehicles. ITD also stated that in the future turning movements at Arney Ln. will fail and there will be turning restrictions. ([Email](#)).

By sending the additional traffic to Arney Ln. the likelihood of vehicle and pedestrian conflict will increase. There is currently a choke point on Arney Ln. where the detached sidewalk comes to an end when it meets the canal. This choke point causes the pedestrians to walk onto the road, which has no shoulder, walk about 50 feet, then traverse back across the gravel just to reach the rest of the detached sidewalk. (Please refer to photos at end of staff report).

The proposed layout of the subdivision does not include the utilization of the Dry Creek Canal as an amenity. The proposed lots of 7-14 show their western property line faces it, but there is a proposed 5' wrought iron fence along that boundary.

D. Decision Process

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 |
|--|--|--|
| Combined Preliminary/Final Subdivision | Plat Planning and Zoning Commission: Hearing Moved to a date certain of October 21, 2020 due to noticing errors. | October 12 City Council Hearing moved to a date certain of November 9, 2020. |
| And | and | |
| Annexation | Design Review Committee: Pre-App Hearing September 8, 2020 Design Review Committee: Formal Hearing September 21, 2020 moved to the date certain of October 21, 2020 due to noticing errors. | |

Required Findings:

For the approval of a COMBINED PRELIMINARY/FINAL PLAT SUBDIVISION, the decision making body must find the application meets the following findings, found in GCC 8-5B-5:

- A. The subdivision is in conformance with the comprehensive plan;
- B. The subdivision is in conformance with all applicable provisions of this title;
- C. Public services are available or can be made available; and are adequate to accommodate the proposed development;
- D. The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program;
- E. There is public financial capability of supporting services for the proposed development;

F. The development will not be detrimental to the public health, safety or general welfare; and

G. The development preserves significant natural, scenic or historic features

For the approval of a ZONING MAP AMENDMENT AND ANNEXATION, the decision making body must find the application meets the following findings, found in [GCC 8-6B-10](#):

A. The zoning map amendment complies with the applicable provisions of the comprehensive plan;

B. The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

C. The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts;

D. The zoning map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

E. The annexation of land, if proposed, is in the best of interest of the city and complies with the procedures as set forth in Idaho Code section [50-222](#).

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.

Appeal of Decision:

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Design Committee and Planning and Zoning Commission are recommending authorities and the City Council is the final decision maker for the requested application. The recommendations of the Design Committee and the Planning and Zoning Commission does not constitute a final decision on the application.

The applicant or someone with standing may request City Council to reconsider their decision. A reconsideration request may be made within 14 days of the formal decision being rendered. Every final decision rendered shall provide or be 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.

E. Agency Comments

The following is a summary of the agency comments that were provided at the time of the drafting of this report. All comments are included in their entirety as a part of the record.

| Agency | Comment Date | Summary |
|--|-----------------------|--|
| Ada County Highway District | 09/23/2020 | ACHD does not want the vehicular connection to N. Ulmer Lane. EMAIL |
| Boise School District | None received to date | |
| Central District Health | 08/26/2020 | <p>After written approvals from appropriate entities are submitted, we can approve this proposal for Central sewage and central water.</p> <p>The following plans must be submitted to and approved by the Idaho Department of Environmental Quality.</p> <ul style="list-style-type: none"> • Central Sewage • Central Water <p>Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted.</p> |
| COMPASS | | |
| Garden City Engineer | None received to date | |
| Idaho Transportation Department | 09/02/2020 | EMAIL |
| Irrigation: Fairview Acres | None received to date | SUBFY2020-07 is outside our designated services area. It does not effect FALWUA. |
| North Ada County Fire and Rescue | None received to date | |
| Meridian School District | None received to date | |
| Ada County Development Services Department | 08/27/2020 | <p>Ada County supports the proposed subdivision due to its compatibility with the Garden City Comprehensive Plan, as adopted by Ada County, which designates the site as Residential Low Density.</p> <p>The subdivision is also in conformance with the Ada County Comprehensive Plan.</p> <p>The County is also in support of the proposed annexation, as the property is surrounded by other properties which have already been annexed into Garden City, and as such, will be more easily serviced by Garden City.</p> <p>The layout of the subdivision is compatible with several objectives of the Garden City Comprehensive plan.</p> <p>The proposed common lot within the center of the development which will include landscaping and a pond is compatible with <i>Objective 2.1.2</i> as it encourages high quality design and landscaping, including the use of water features, in new</p> |

| | | |
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| | | <p>development. The proposed street connection between Osprey Meadows Drive and Duncan Avenue is supported by <i>Objective 7.3.2</i>, which calls for increasing connectivity within neighborhoods to reduce the concentration of traffic on a few streets, and the proposed pedestrian accesses to the multi-use pathway to the north of the property are supported by <i>Objective 7.1</i> which encourages the creation of pedestrian and bicycle friendly connections. While the location of private property and a canal to the west of the site may make a connection challenging, the County would recommend a direct street or pedestrian access to Ulmer Lane be considered in order to provide even greater neighborhood connectivity. The proposed common lot within the center of the development</p> |
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F. Public Comment

Public Comments were as followed:

| Committer | Comment Date | Summary |
|---------------|--------------|--|
| Steve Torrano | 09/15/2020 | Arney Dr. conflict. Houses are not compatible with existing subdivision. N. Ulmer Ln. outlet is a better idea than Arney. HERE . |
| Matt Derr | 09/10/2020 | Would like to see the connection to the west at N. Ulmer Ln. to allow for easier left turns onto State Street. At minimum the subdivision should put in bollards on the Greenbelt to prevent future vehicular travel on the pathway. HERE . |
| Allie Gooding | 09/21/2020 | In opposition of the Subdivision's entrance and exits. The intersection of Arney Lane and W. State Street is a poorly functioning intersection due to vehicular traveling speeds, parking for McLeary's Pub, and impatient drivers. Desires a connection to N. Ulmer. HERE . |
| Sandra Sweet | 10/13/2020 | In opposition of the connection to N. Ulmer Lane. Full comment HERE . |

G. 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. | | | | | | | | | | | | | | | | | | | | |
| Title 8, Chapter 2: Base Zoning District Regulations required by 8-5A-4 | | | | | | | | | | | | | | | | | | | | | | | |
| 8-2B-1 Purpose | PZ/CC | No compliance issues noted | The application is for the annexation off land from RUT (Ada County) to the R-2 zoning designation of Garden City. The proposed zoning of the 24 detached single-family lots and 5 common lots fits within the Residential Low-Density designation of the Comprehensive Plan. At 3.75 dwelling units per acre, the proposed subdivision does not specifically request entitlements for any use in conjunction with this application, but assumes single family detached residential units, which is consistent with the purpose identified for the R-2 Zoning District. | | | | | | | | | | | | | | | | | | | | |
| 8-2B-2 Allowed Uses | PZ/CC | No compliance issues noted | <p>Single Family Detached Dwellings are a permitted use in R-2 zoning.</p> <p><u>There appears to be enough evidence on the record demonstrating the zoning map amendment is not materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts;</u> Pursuant to Garden City Code 8-2B-2 (Allowed Uses), the proposed zoning map amendment would enable the following changes to the property's permitted, conditional, and prohibited uses (prohibited uses not shown):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #cccccc;"></th> <th style="background-color: #cccccc;">R-2</th> </tr> </thead> <tbody> <tr><td>Accessory Use*</td><td>P</td></tr> <tr><td>Agriculture*</td><td>P</td></tr> <tr><td>Artist Studio*</td><td>C</td></tr> <tr><td>Bed And Breakfast*</td><td>C</td></tr> <tr><td>Church Or Place Of Religious Worship*</td><td>C</td></tr> <tr><td>Day Care, Neighborhood*</td><td>C</td></tr> <tr><td>Day Care, Personal*</td><td>P</td></tr> <tr><td>Dwelling Unit, Accessory*</td><td>P</td></tr> <tr><td>Dwelling Unit, Multiple Family*</td><td>C</td></tr> </tbody> </table> | | R-2 | Accessory Use* | P | Agriculture* | P | Artist Studio* | C | Bed And Breakfast* | C | Church Or Place Of Religious Worship* | C | Day Care, Neighborhood* | C | Day Care, Personal* | P | Dwelling Unit, Accessory* | P | Dwelling Unit, Multiple Family* | C |
| | R-2 | | | | | | | | | | | | | | | | | | | | | | |
| Accessory Use* | P | | | | | | | | | | | | | | | | | | | | | | |
| Agriculture* | P | | | | | | | | | | | | | | | | | | | | | | |
| Artist Studio* | C | | | | | | | | | | | | | | | | | | | | | | |
| Bed And Breakfast* | C | | | | | | | | | | | | | | | | | | | | | | |
| Church Or Place Of Religious Worship* | C | | | | | | | | | | | | | | | | | | | | | | |
| Day Care, Neighborhood* | C | | | | | | | | | | | | | | | | | | | | | | |
| Day Care, Personal* | P | | | | | | | | | | | | | | | | | | | | | | |
| Dwelling Unit, Accessory* | P | | | | | | | | | | | | | | | | | | | | | | |
| Dwelling Unit, Multiple Family* | C | | | | | | | | | | | | | | | | | | | | | | |

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|---|-------|----------------------------|--|---------------------------------------|---|---------------------------------------|---|---------------------------|---|------------------------------------|---|--|---|--|---|------------------|---|----------------|---|-------------------------------|---|-------------------------------|---|-------------------------|---|-------------|---|--------------------|---|---------|---|----------------|---|
| | | | <table border="1"> <tr><td>Dwelling Unit, Single Family Attached</td><td>P</td></tr> <tr><td>Dwelling Unit, Single Family Detached</td><td>P</td></tr> <tr><td>Dwelling Unit, Two-Family</td><td>P</td></tr> <tr><td>Eating Establishment, full service</td><td>C</td></tr> <tr><td>Eating Establishments, limited service</td><td>C</td></tr> <tr><td>Food Products, small-scale processing*</td><td>C</td></tr> <tr><td>Home Occupation*</td><td>P</td></tr> <tr><td>Kennel, Hobby*</td><td>P</td></tr> <tr><td>Manufactured/Mobile Home Park</td><td>C</td></tr> <tr><td>Nursing And Residential Care*</td><td>C</td></tr> <tr><td>Public Service Facility</td><td>C</td></tr> <tr><td>Public Uses</td><td>C</td></tr> <tr><td>Retail Production*</td><td>C</td></tr> <tr><td>School*</td><td>C</td></tr> <tr><td>Temporary Use*</td><td>P</td></tr> </table> | Dwelling Unit, Single Family Attached | P | Dwelling Unit, Single Family Detached | P | Dwelling Unit, Two-Family | P | Eating Establishment, full service | C | Eating Establishments, limited service | C | Food Products, small-scale processing* | C | Home Occupation* | P | Kennel, Hobby* | P | Manufactured/Mobile Home Park | C | Nursing And Residential Care* | C | Public Service Facility | C | Public Uses | C | Retail Production* | C | School* | C | Temporary Use* | P |
| Dwelling Unit, Single Family Attached | P | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dwelling Unit, Single Family Detached | P | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dwelling Unit, Two-Family | P | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Eating Establishment, full service | C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Eating Establishments, limited service | C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Food Products, small-scale processing* | C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Home Occupation* | P | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Kennel, Hobby* | P | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Manufactured/Mobile Home Park | C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Nursing And Residential Care* | C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Public Service Facility | C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Public Uses | C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Retail Production* | C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| School* | C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Temporary Use* | P | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8-2B-3 Form Standards | PZ/CC | Compliant as Conditioned | <p>The required setbacks are: Front: 15'/20', Interior Side:0/5', Rear: 15', Street side: 5'</p> <p>The allowable maximum height is: 35'</p> <p>The minimum lot size is: 6,000sq.ft./DU</p> <p>There are no encroachments noted.</p> <p>All improvements are more than 70' from the Boise River.</p> <p>It is unknown if all properties do or do not meet the minimum street frontage because the proposed site plans for each lot have not been disclosed.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Title 8, Chapter 4: Design and Development Regulations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8-4A-3 Fences and Walls | DC/CC | No compliance issues noted | There is a proposed 5' wrought iron fence to be constructed along the subdivision boundary and adjacent to internal common lots. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | | | The subdivisions HOA shall determine the type of fencing used within the subdivision. |
| 8-4A-4 Outdoor Lighting | DC/CC | No compliance issues noted – drafted conditions of approval. | Applicant has requested a waiver. This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development. Streetlights shall be installed at intersections or throughout the subdivisions as designated by the administrator. An applicant shall conform to the requirements of Garden City and the public utility providing such lighting. The city will assume the cost of maintaining streetlights after they have been installed along public rights of way by the developer and accepted by the city; except that the developer or association shall maintain all street lighting along private streets and lanes. |
| 8-4A-5 Outdoor Service and Equipment Areas | DC/CC | Compliant as conditioned | This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development. |
| 8-4A-7 Stormwater Systems | DC/CC | No compliance issues noted | A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7. |
| 8-4A-8 Utilities | DC/CC | No compliance issues noted | A draft condition of approval is provided requiring each lot to be connected to City services. Another draft condition of approval is provided requiring that all utilities be underground. |
| 8-4A-9 Waterways | DC/CC | Compliant as conditioned | The project includes a pressure irrigation system. Comments from the City Engineer, Joe Canning, ask how this will be accomplished. The applicant submitted a letter noting that an irrigation ditch/canal does not run through the property or along a property line; however, the preliminary plat notes a small irrigation supply flows west along the proposed project's northern boundary. |
| 8-4B Design Provisions for Residential Structures | | | |
| 8-4B-3 Single Family and Two-Family Attached and Detached Dwelling | DC/CC | Compliant as conditioned | The applicant requested a waiver for the schematic drawings. The applicant did not provide building designs to review. The canal could be incorporated as an amenity. |
| 8-4D Parking and Off Street Loading Provisions | | | |
| 8-4D-3 Parking Design and Improvement Standards | DC/CC | No compliance issues noted | |

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| 8-4D-4 Parking Use Standards | DC/CC | No compliance issues noted | |
| 8-4D-5 Required Number of Off-Street Parking Spaces | DC/CC | No compliance issues noted | Each detached single-family dwelling unit is required to have 2 parking spaces. With at least 1 enclosed. The proposal is for each lot to have 4 on site parking spaces with the additional street parking as an option. |
| 8-4D-6 Standards for Alternatives to On Site Parking | DC/CC | No compliance issues noted | |
| 8-4E Transportation and Connectivity Provisions Required 8-5A-4-drives, private streets, sidewalks, street design and development standards | | | |
| 8-4E-3 Public Street Connections | DC/CC | No compliance issues noted | There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times. |
| 8-4E-4 Internal Circulation Standards | DC/CC | Compliant as conditioned | The driveway must have a minimum of 20' in width. The width of driveways are not proposed in the site plan. |
| 8-4E-6 Sidewalk Standards | DC/CC | Compliant as conditioned | The site and landscape plan appear to depict an attached sidewalk. However, the plans are not clear. Garden City Code requires that all new installations of sidewalks on public roads must be detached. |
| 8-4E-7 Pedestrian and Bicycle Accessibility Standards | DC/CC | Discussion needed | Proposed attached sidewalks throughout the subdivision. Proposal of sidewalk through the common landscaped lot providing access through space running North and South. Bicycle routes has not been identified. Nor have pedestrian right of ways been identified to connect opposite side of the street to the common area. There is an existing multi-use path that runs on the northern property line of the site, though the proposed sidewalk along N. Duncan Ave. indicates that there will be connection to it, there is no clear pedestrian or bicycle pathway to this existing path from the common lot #15. Plans indicate that the 5' wrought iron fence is to be installed along this boundary and acts as a barrier to this pathway, blocking the connectivity. |
| 8-4F Sign Provisions | | | |
| 8-4F-13 Master Sign Program | DC | No compliance issues noted | The project will become a part of the Osprey Meadows Subdivision, no new signage will be necessary. Must provide documentation that Osprey Meadows Subdivision HOA is willing to annex the project. |
| 8-4H Flood Hazard | Planning Official | Compliant as conditioned | The City highly encourages that the applicant builds to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request |

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| | | | that the applicant record a Flood Acknowledgement on the property. |
| 8-4G Sustainable Development Provisions | | | |
| 8-4G Sustainable Development Provisions | | Compliant as conditioned | The square footage of future proposed homes is not disclosed. All new development and additions to existing development shall be required to provide for sustainable development practices based on a point system. All new residential developments over four (4) dwelling units: six (6) points/units. |
| 8-4I Landscaping and Tree Protection Provisions | | | |
| 8-4I-3 General Landscaping Standards and Irrigation Provisions | DRC/CC | No compliance issues noted | Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines, but shall not necessarily be in the same trenches. Prior to signing of the final plat by the city engineer, proof of compliance with this section and with Idaho Code section 31-3805(1)(b) regarding requirements for water delivery shall be required. |
| 8-4I-4 Landscaping Provisions for Specific Uses | DRC/CC | May not be complaint | May not be compliant because the landscape plans for proposed homes within subdivision have not been disclosed. For lots with thirty (30) to forty nine feet (49') of linear frontage, one class II or class III tree shall be planted in the front yard setback. For lots with fifty feet (50') or more of linear frontage, two (2) class II or class III trees shall be planted with one tree located in the front yard setback. (Ord. 944-12, 5-14-2012) |
| 8-4I-5 Perimeter Landscaping Provisions | DRC/CC | No compliance issues noted | |
| 8-4I-7 Tree Preservation Provisions | DRC/CC | Compliant as conditioned | The applicant has stated that all existing vegetation is to be removed. Existing vegetation type and caliper are not disclosed. Mitigation is unknown. The provisions of this section are intended to preserve existing trees of four inch (4") caliper or greater from destruction before and during the development process. |
| 8-4L Open Space Provisions | | | |
| 8-4L-3 General Open Space Standards | DRC/CC | No compliance issues noted | The applicant is proposing 26,453sqft. (0.607 of an acre) of open space on three common lots. The majority of the open space is located in the center of the development on Lot 7, Block 2. The proposed mount of common open space makes up about 10.5% of the overall subdivision. Amenities for the proposed subdivision include: - Gazebo - Pedestrian pathways - Connection to an existing multi-use pathway |

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| | | | <p>Pedestrian pathways of at least five feet (5') in width and eighty feet (80') in length along canals, watercourses or similar channels; or through the middle of long blocks can count towards this requirement. Required detached sidewalks adjacent to public right of way do not qualify as common open space.</p> |
| <p><u>Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</u></p> | | | |
| 8-5A-4 General Standards | PZ/DRC/CC | No compliance issues noted | <p>See discussions on Design Review 8-4 B&C; Driveways 8-4-E; Floodplain 8-3-B 8-4H; Landscaping 8-4-I; Open Space 8-4-L; Parking 8-4-D; Planned Unit Development 8-6B; Private Streets 8-4-E; Sidewalks 8-4-E; Street design and development standards 8-4-G; Sustainable development provisions 8-4-G; Utilities 8-4-A; Zoning Provisions 8-2-B</p> <p>There are general conditions of approval that the application must be in conformance with the requirements of Garden City Code Erosion Control 4-15; Public water and sewer systems Title 6; Storm drainage and discharge control 4-14 prior to the approval of the subdivision.</p> |
| 8-5A-6 Improvement Standards | | | <p>A subsequent application will be required for staff approval to ensure that the proposed improvements meet code standards and policies for storm drainage, water, sewer, utilities, and monuments and are otherwise in conformance with this approval.</p> <p>A hydrant and a fire turn-around must be shown in plans.</p> <p>Street improvements are required.</p> <p>For streetlight information please refer to Garden City Street Light Policy page 17 of the staff report.</p> |
| <p><u>8-5C-4 Subdivisions located within a Floodplain</u></p> | | | |
| 8-5C-4 Subdivisions located within a Floodplain | PZ/DRC/CC | No compliance issues noted, provided the draft conditions of approval, or similar are in place. | <p>There are no proposed building plans yet.</p> <p>Upon the determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will alter the flow of water, the applicant shall demonstrate conclusively to the council that such will not present a hazard to life, limb or property; will not have adverse effects on the safety, use or stability of a public way or drainage channel or natural environment.</p> <p>Please refer to Garden City Code 8-5C-4 for standards.</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 | PZ/DRC/CC | No concerns noted | Application waivers requested pursuant to 8-6A-4A. |

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| 8-6A-7 Public Hearing Process | PZ/DRC/CC | No compliance issues noted | The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. 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 | |
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| 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> |
| Idaho Code 50-222 | <p>This is a request for an annexation classified as category A. The request meets all the findings and requirements.</p> |
| Garden City Comprehensive Plan | <p>This application is in future land use designations of the Comprehensive Plan:</p> <p>a) Residential Low Density</p> <p><u>The application may be supported by:</u></p> <p>Goal 2. Improve the City Image Objective 2.1: Encourage new and distinctive neighborhoods.</p> <p>Goal 4. Emphasize the “Garden” in Garden City Objective 4.3: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p> <p>Goal 5. Focus on the River: Objective 5.5: Create more accessibility to the Boise River Greenbelt.</p> <p><u>The application may not be supported by:</u></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>Goal 7. Connect the City: Objective 7.1 Create pedestrian and bicycle friendly connections. Objective 7.3 Protect neighborhoods from through traffic.</p> |
| Garden City Sidewalk Policy | <p>The application indicates a proposed attached sidewalk.</p> <p>8-4E-6 SIDEWALKS STANDARDS: All sidewalks shall be designed and constructed to the following standards.</p> |

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| | <ul style="list-style-type: none"> a.) Sidewalks shall be required along public rights of way intended for vehicular travel. b.) All sidewalks shall be a minimum of five feet (5') except if detached sidewalks are provided on local streets in residential subdivisions, the minimum sidewalk width may be reduced to four feet (4') . c.) Detached sidewalks shall be required unless in conflict with a street plan adopted by the Transit Authority and/or the City or there is existing attached sidewalk on both sides adjacent to the property. d.) Sidewalks shall be designed to flare around mail boxes, utility boxes and other impediments to pedestrian circulation to maintain a minimum five feet (5') of travel width. |
| Garden City Street Light Policy | <p>A streetlight is installed at the intersection of Sleepy Hollow and Ulmer. A streetlight is installed on Wakefield. A streetlight is installed on Osprey Meadows.</p> <p>There are about 8 streetlights installed within 400ft of the proposed site in the surrounding area. A lighting plan wavier has been submitted by the applicant.</p> <p>According to Garden City Street Light Policy, Street lights may be required at:</p> <ul style="list-style-type: none"> a.) intersections b.) pedestrian crossings c.) public bike paths d.) sharp curves e.) steep inclines f.) bridges g.) cul-de-sacs h.) steep embankments i.) dead-end streets <p>Fixtures will be a minimum of 100 Watt High Pressure Sodium on poles with a 20 or 25 foot mounting height (20 foot - local, 25 foot collector). Once locations have been illuminated as required in the above list, remaining unlighted portions of streets will be evaluated, providing for a maximum streetlight spacing of 400 feet. New installations should meet construction, materials, equipment, and installation requirements will be in accordance with street light installation standards</p> |



Figure 1: Pedestrian choke point due to substandard sidewalk conditions. Taken from Google Maps.



Figure 2: Arney Ln. choke point. Taken from Google maps.



Figure 3: Numbers on the photo identify who owns what portions of land as discussed in the staff report. Taken from Google Maps.