



## DEVELOPMENT SERVICES DEPARTMENT

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**To:** City Council  
**From:** Jenah Thornborrow, Development Services Director  
**Subject:** SUBFY2019-1 Third Extension Request  
**Date:** For January 24, 2022, City Council Meeting

### **Request**

Extension of subdivision [SUBFY2019-1](#) Blue Heron Subdivision for an additional year.

### **Background**

Blue Herron Subdivision, SUBFY2019-1 located at 3857 Reed Street was approved by City Council on March 11, 2019. The application was granted an extension on January 22, 2020, due to an ACHD requirement that twelve months of ground water be collected. A second extension was granted due to the change of ownership and continued delays related to the street design. It was unanticipated that ACHD would require that the realignment of Reed Street to be build by the project from the center of asphalt rather than the center of right-of-way, resulting in redesign of components of the project to meet the Garden City Code sidewalk requirements and ACHD's street requirements. The third request further notes that with the growth in the area, it is difficult for smaller projects, such as this subdivision to secure construction. The request further notes that they are nearly ready to record the subdivision.

### **Pertinent Code**

Below are the current sections of pertinent code related to this request.

Title 8 Chapter 6 Article A Section 8 ("Expiration of Approvals"):

A. All application approvals shall expire three hundred sixty-five (365) days from the date of approval unless:

- 1) the city issues a building permit for the proposed improvement, development, or use prior to the expiration of the three hundred sixty-five (365) day period; or
- 2) by condition of approval or development agreement, a time period for completion of the application has been specified; or
- 3) a certificate of compliance has been issued; or
- 4) The final plat of a subdivision approval is recorded with Ada County; or otherwise defined by section [8-5B-6](#) of this title.

B. City Council may allow for an extension of not more than three hundred sixty-five (365) days provided that they find:

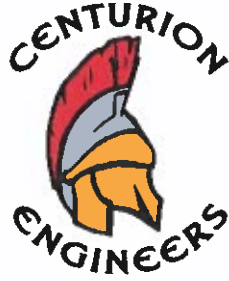
1. Good cause for the request; and

SUBFY2019-1 Blue Heron Subdivision Third Extension Request

2. The application and/or applicable city regulations have not changed; and
3. There has been no major change in the neighborhood, plans, or policies that would affect the compatibility of the project; and
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; and
5. It is determined by the City Council that it is in Garden City's best interest to grant the extension.
6. A request for an extension is no guarantee that the extension will be granted.

### **Attachments**

- Extension Request
- Draft potential City Council Decision



**CENTURION | B&A ENGINEERS, INC.**  
Consulting Engineers, Land Surveyors, Planners  
5505 West Franklin Road Boise, ID 83705  
Telephone 208.343.3381 | www.centengr.com



City of Garden City  
Development Services  
6015 Glenwood Street  
Garden City, Idaho 83714

**Subject: Blue Heron Townhomes Subdivision  
SUBFY2019-1  
3857 N Reed Street  
Tax Parcel Numbers R2734520646 and R2734520044  
Area 0.69 Acres**

**RE: Request for Time Extension of SUBFY2019-1**

The preliminary plat for Blue Heron Townhomes Subdivision (SUBFY2019-1) was granted by City Council on March 11, 2019. This is a relatively small subdivision comprised of 12 residential lots and 3 common lots. The subject application is also tied to Minor Planned Unit Development MPUDFY2019-2—approved on February 20, 2019.

On January 22, 2020, the owner requested a time extension of the preliminary plat due to the need for 12 months of ground water data collection as required by ACHD. The City Council approved that request on January 27, 2020. On January 28, 2021, the new owner, Todd Campbell Construction, requested a second time extension noting that the project had changed hands and the project now included unanticipated road widening and sidewalk requirements from ACHD. The second time extension request was approved by City Council on February 8, 2022.

***The owner respectfully requests a third time extension.***

We understand that multiple time extensions are not highly desirable. However, we believe that our request is fully within the intent of Garden City Code 8-6A-8B which allows City Council to allow an extension when it finds (comments in italics):

1. Good cause for the request; and  
*Comment: This has been a long, challenging project through two owners, plagued by high ground water drainage issues requiring difficult and unique construction techniques, unexpected right of way requirements, COVID*

*restrictions, and the tremendous growth in the area which has crippled construction of smaller projects such as this.*

2. The application and/or applicable city regulations have not changed; and  
*Comments: To our knowledge, the city regulations have not changed significantly since the preliminary plat approval.*
3. There has been no major change in the neighborhood, plans, or policies that would affect the compatibility of the project; and  
*Comment: Again, to our knowledge, there has been no major change in the neighborhood, plans, or policies. There has, however, been a drastic change in the ability of Treasure Valley residents to secure affordable housing. Average property values in Garden City have increased over 50% in the last year (Redfin market trends. Redfin.com. January 3, 2022).*
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; and  
*Comment: Since the new owner received approval for construction they have been working diligently to complete the project. The base underground construction is complete and a restrict build agreement was recorded October 28, 2021.*
5. It is determined by the city council that it is in Garden City's best interest to grant the extension.  
*Comment: The final plat is nearly ready to record. To stop at this point would **not** be in Garden City's best interest. Please keep in mind that the owner's approval of the minor planned unit development could allow construction of the project as a rental community, but the owner is desirous of completing the subdivision of the units into townhomes. This, in our opinion, will have added value to the owner and the city. A land subdivision will enable the units to be owner occupied and provide a very much needed supply of housing to purchase in the valley.*

We respectfully request that the city council act favorably on the approval of the time extension and allow this final plat to move forward to completion. The owner remains committed to constructing this project.

Sincerely,



Earl Eblen, PE/PLS  
Project Engineer  
Centurion Engineers, Inc.

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:	)	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 January 24, 2022. The City Council reviewed the request. Based on the evidence presented, pursuant to Garden City Code § 8-6-A. 8 and 8-5B-6, 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. A second one-year permit extension was granted on February 8, 2021.
- 9. The city received a third extension request in writing on January 11, 2022, noting:
  - a. The previous constraints noted in previous requests;
  - b. Growth of region causing constraints to construct in a timely manner, especially for smaller projects; and
  - c. The plat is nearly ready for recordation.
- 10. The following standards in the Garden City Code apply to this proposal:

Potential conclusions have been drafted in the affirmative and in disaffirmance. The Council may agree with one or the other of the conclusions or may find a different conclusion. These conclusions of law are not predetermined.		
Standards	Compliant	Conclusions
<b>GCC 8-5B-6 Term of Subdivision Permit</b>	N/A	Not applicable with an extension approval.
<b>GCC 8-6A-8 Expiration of Approvals</b>	Yes/ No/ N/A	<p>1. Good Cause exists for the request:</p> <p><u>Explanation:</u>  <b>AFFIRMING</b>          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. Finally, as the project is a small project, it has been unduly difficult to secure construction of the project during the regional growth causing limitations on available goods and labor.</p> <p><b>DISAFFIRMING</b>          Good cause does not exist for the request. There are not extenuating circumstances that have been</p>

		<p>identified by the request that warrant an extension.</p> <p>2. The application and or applicable regulations have not changed.</p> <p><u>Explanation:</u>  <b>AFFIRMING</b>  There has not been a substantial change in the application nor has there been changes in applicable regulations.</p> <p><b>DISAFFIRMING</b>  <b>TBD</b></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>  <b>AFFIRMING</b>  There has not been change in the neighborhood, plans or policies that affect the compatibility of the project.</p> <p><b>DISAFFIRMING</b>  <b>TBD</b></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>  <b>AFFIRMING</b>  The application has been actively pursuing being complaint with all applicable laws, thus resulting in lack of adherence to the applicable timeframes. Construction plans for the project were approved by the city on June 15, 2021.</p>
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		<p><b>DISAFFIRMING</b></p> <p>The project has not been able to demonstrate that it has the capability to complete the required improvements as required by GCC 8-5A.</p> <p>5. It is in the City's best interest to grant the extension:</p> <p><b>Explanation:</b></p> <p><b>AFFIRMING</b></p> <p>It is in the City's best interest to grant the extension. The subdivision extension request notes that the plat is near recordation. Moreover, the region needs additional housing.</p> <p><b>DISAFFIRMING</b></p> <p>It is not in the City's best interest to grant the extension as the project has not been able to demonstrate its ability to advance the subdivision within a reasonable timeframe. Garden City Code 8-5B-6 notes expiration of subdivisions shall occur within one year. No discernible momentum on the project has been demonstrated regardless of a previous extension approval.</p>
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### 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 subdivision approval.

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

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Mayor, John G. Evans

Date