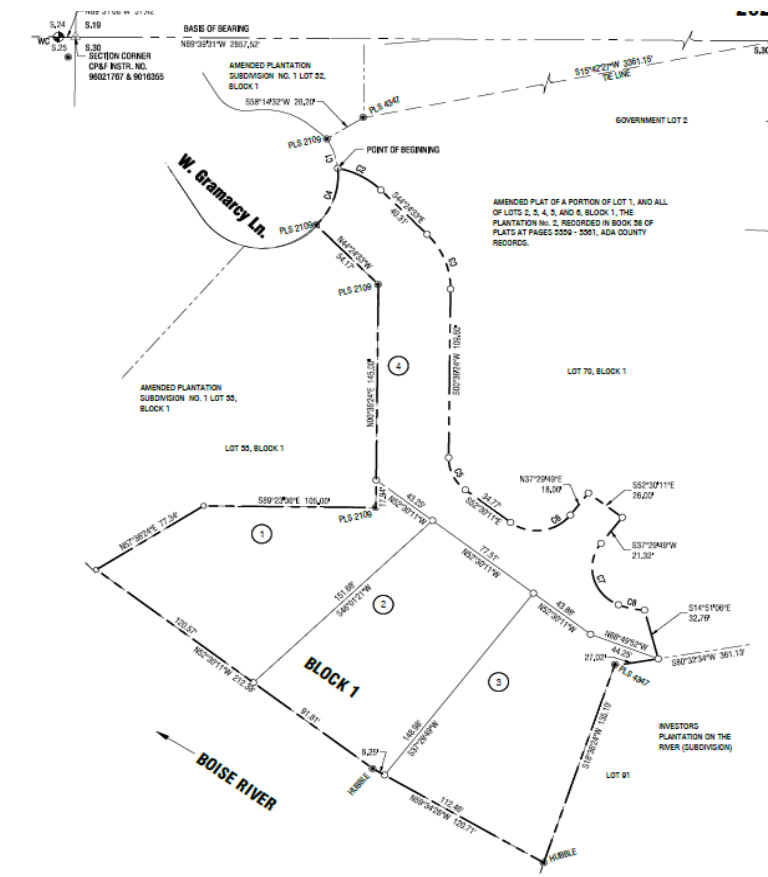




CITY OF GARDEN CITY

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

File Number: SUBFY2020-06 Glass Island View
For: Final Plat Review for a 4-Lot Residential Subdivision
Location: 6515 W. State St.
Applicant: Robert Taunton for Glass Creek, LLC
Report Date: June 28, 2021
City Council Preliminary Plat Approval: July 27, 2020



Staff Report
 Report prepared by Hanna Veal

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A. Record Documents: ([link to all file documents including preliminary plat records](#))

Individual links:

1. Application Materials
 - a) [SUBFY2021-0001 Final Plat Submittal March 16, 2021](#)
2. Noticing Documents
 - a) [City Noticing](#)
 - b) [Property Posting for City Council](#)
3. Agency Comments: linked in [Section F](#)
4. Public Comments: linked in [Section G](#)
5. [Draft Restricted Build Agreement](#)
6. [Draft Potential Decision](#)

B. 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 the final subdivision submittal, for “substantial compliance” with the preliminary subdivision and has found the submittal to be in substantial compliance.

Changes identified in the final plat include:

- FEMA will require a Letter of Map Revision (LOMR) rather than a Letter of Map Amendment (LOMA) which is a more comprehensive process.
- There is an easement on the preliminary plat for a 10’ drainage easement along the east boundary of the subdivision. Ada County Highway District (ACHD) may approve vacating this easement.

It should be noted that the applicant has submitted construction plans for review. The conditions of approval drafted have not been altered other than as identified, as approval of the construction plans will require that this documentation be met. The conditions remaining in the draft decision document are not an indication that the construction plans do not meet the conditions.

It should also be noted that the applicant has submitted a draft Restricted Build Agreement, as permitted as a general condition in the preliminary plat approval.

Following, staff suggests the following changes to the conditions of approval:

Prior to Construction of Subdivision Improvements:

1. No development, including fill or earthwork, shall occur in the area identified in the floodway as identified in the adopted FIRM maps, other than the installation of the watermain with an approved permit, until after which there is a successful Letter of Map Revision (LOMR) obtained by FEMA and submitted to the City.
(reworded to note that a LOMR is required rather than a LOMA)

Prior to Signature of Final Plat

4. Provided that Ada County Highway District is in concurrence, the existing 10' drainage easement along the east boundary of the subdivision may be removed.
(added)
5. The use of the restricted build agreement is approved, pending approval of staff including the planning official, and if necessary, the city attorney and, or city engineer to verify that agreement is in compliance with the approved restricted build agreement policies.
(added)

General Requirements

41. The Development Services Director may enter into a restricted build agreement on the City's behalf, provided the agreement is in compliance with the approved restricted build agreement policies.
(deleted)

C. Project Information

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 replating of such, including certifications, descriptions, and approvals.

Combined Preliminary And Final Plat: A process that involves concurrent review and decision on a preliminary and final plat.

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.

Preliminary Plat: The first formal presentation by drawings of a proposed subdivision.

Sketch Plat: A sketch preparatory to a preliminary plat that indicates all roads, parks, rights-of-way and public sites.

Review Process	Notes
8-5B-3 Final Plat	

Site Conditions:

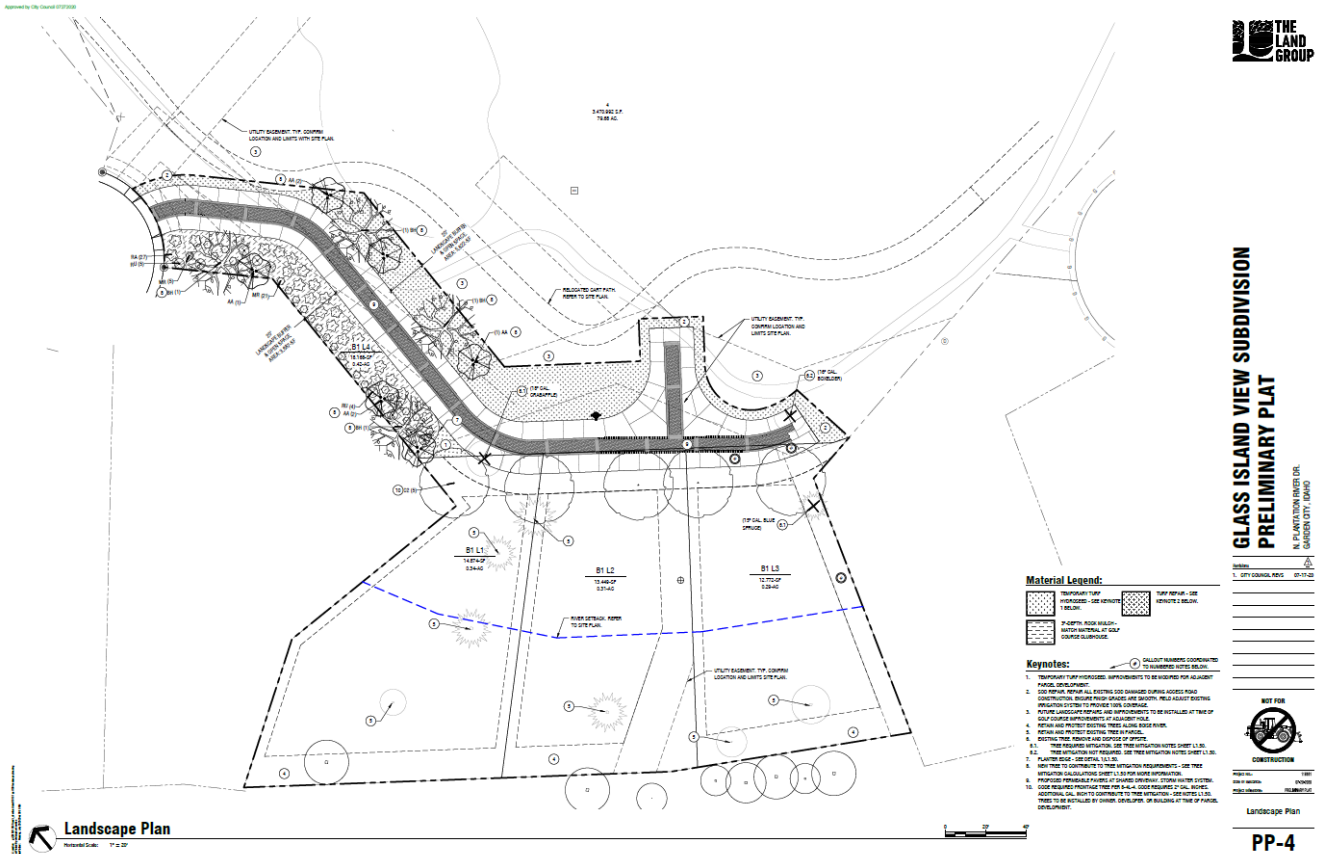
- 1) Street Address: 6515 W. State Street
- 2) Parcel Number(s): R7100480125
- 3) Subdivision: A parcel of land being a Re-Subdivision of a portion of Lot 70, Block 1 of “The Amended Plat of a Portion of Lot 1, and all of Lots 2,3,4,5 and 6, Block 1 of The Plantation No. 2” (Subdivision), located in Government Lot 2 in the Southwest Quarter of Section 30, Township 4 North, Range 2, East, Boise Meridian, Garden City, Ada County, Idaho
- 4) Property Size: 1.36 acres (of the 18.1-acre parcel as identified through the Ada County Assessor’s site parcel R7100480125).
- 5) Zoning District: R-2 Low Density Residential
- 6) Zoning Overlay(s): GCC 8-3B Flood Hazard
- 7) Comprehensive Plan Land Use Map Designation:
 - a) Residential Low Density
- 8) Legal Lot of Record: Yes
- 9) Floodplain Designation:
 - a) 2003 FIRM: Predominantly Floodway, some AE
 - b) 2017 Draft FIRM: Part of Floodway removed
- 10) Surrounding Uses within 600 feet:
 - a) Dwelling Unit, Single Family, Detached
 - b) Plantation Country Club-Golf Course
- 11) Existing Use: Plantation Country Club-Golf Course
- 12) Easements on site:
 - a) 30’ Sewer, Drainage, and Public Utilities Easement
 - b) 40’ Sewer, Drainage, and Public Utilities Easement located at northern boundary
 - c) 10” Drainage at easterly boundary
- 13) Site Access: Gramarcy Lane
- 14) Sidewalks: Existing attached sidewalk on Gramarcy with rolled curbing

Project Details:

- 1) City Council Preliminary Plat approval date: July 27, 2021
- 2) Proposed development: Residential Preliminary Plat
- 3) Total number of lots: 4
 - a) Common: 1
 - b) Residential: 3
 - c) Non-Residential: 0
 - d) Mixed-Use: 0
 - e) Live-Work 0
- 4) Density: 2.2 units/acre
- 5) Site Coverage:
 - a) Building: up to 12,088 sq. ft.
 - b) Landscaping: 9,509 sq. ft. in subdivision easement. The residential lots landscaping not determined.
 - c) Common lot: 20,023 sq. ft. including the 9,509 sq. ft. of landscaping and drive.
- 6) Access: Private drive access for all units. Private drive access from Gramarcy Lane.
- 7) Total number of vehicular parking spaces: Unknown
- 8) Total number of bicycle parking: Unknown
- 9) Refuse: Individual services and picked up from the drive.
- 10) Fencing: No fence has been proposed
- 11) Sidewalk: There is an existing attached sidewalk with rolled curb on Gramarcy Lane.
- 12) Landscaping:
 - a) Street Trees: 5 class II
 - b) Perimeter Landscaping: 9,509 sq. ft. on either side of drive
 - i) 62 woody shrubs, turf and rock mulch
 - ii) 6 class I trees
 - iii) 9 class II trees
 - iv) 7 existing trees to be retained
- 13) City Utilities
 - a) Water and Sewer connection to lots
 - b) 16" water service
 - c) Hydrant
- 14) Proposed Easements:
 - a) Maintain existing 30' Sewer, Drainage, and Public Utilities Easement
 - b) Maintain existing 10' drainage easement at easterly boundary
 - c) 20' water easement for a proposed 16" water relocate to connect to the 20' water easement crossing the Boise River
 - d) 20' landscape and open space consisting of 3,687 square feet to the south of the proposed drive
 - e) 20' landscape and open space consisting of 5,822 square feet to the north of the proposed drive
 - f) Perpetual ingress/egress easement on shared drive.

Below are images of the site layout/ landscaping as approved by the preliminary plat.

Site Layout and Landscaping as approved



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	Decision Authority
Final Plat	Planning Official	City Council: Hearing June 28, 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.

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
Department of Environmental Quality Link to Full Comment	06/14/2021	<ul style="list-style-type: none"> • General comments
Garden City Engineer Link to Full Comment	06/09/2021	<ul style="list-style-type: none"> • Storm Water O&M Manual and Completed Stormwater Operation and Management Agreement are missing from the final plat application. • Regarding the Storm Drain Management & Engineering Drainage Report, we have several comments: • Please add a discussion on depth to groundwater and storm water system vertical separation • How is all roof areas drainage collected and disposed of? The run-off must be accounted for and remain on-site • Please cover acceptable run-on ratios for permeable pavers • The report uses ACHD storm calculations for the subdivision instead of the city of Boise stormwater design manual – the Boise manual process must be used • Construction Plans Comments • Final Plat Comments • General Comments
Idaho Transportation Department Link to full comment	06/16/2021	<ul style="list-style-type: none"> • ITD does not anticipate any significant traffic impact to the State Highway System, no objections.
North Ada County Fire and Rescue Link to Full Comment	06/15/2021	<ul style="list-style-type: none"> • Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. <i>Additional fire hydrants are required. (IFC 507.3).</i>

		<ul style="list-style-type: none"> • Monument signage for addressing will be required at the entrance. (IFC 505.1) • For streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. Parking shall also be restricted throughout the turnaround. • A note on the face of the final plat is required noting the parking restriction. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8) • Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface (Pavers) meets this standard. (IFC D102.1)
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F. Public Comment

The following is a summary of the public comments and testimony that were provided by June 21, 2020 in accordance with [Resolution 1053-18](#). All comments are included in their entirety as a part of the record.

Commenter	Comment Date	Summary
Ron Wilper Link to Comment	06/10/2021/ 06/21/2021	“Opposed to the public path from the Gramarcy cul-de-sac to the golf course cart path as it would increase traffic in the forms of motorcycles, bikes, and pedestrians on my property. “ Clarified on 6-21-21 noting that this has been removed.

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.
8-5B-3 Final Subdivision Process			
8-5B-3 B Contents of final Subdivision			<p><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></p> <ol style="list-style-type: none"> <i>1. A written application for approval of such final subdivision as stipulated by the city;</i> <i>2. Proof of current ownership of the real property included in the proposed final subdivision and consent of recorded owners of the subdivision;</i> <i>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;</i> <i>4. A statement of conformance with the approved preliminary subdivision and meeting all requirements or conditions thereof;</i> <i>5. A statement of conformance with all requirements and provisions of this title;</i> <i>6. A statement of conformance with acceptable engineering, architectural and surveying practices and local standards; and</i> <i>7. A copy of the CC&Rs for recording.</i>
8-5B-3C.2 Substantial Compliance	PO/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	<ol style="list-style-type: none"> <i>(1) The number of buildable lots is the same or fewer;</i> <i>(2) The amount of common open space is increased;</i> <i>(3) The amount of open space is relocated with no reduction in the total amount;</i> <i>(4) The number of open space lots has been increased;</i> <i>(5) The transportation authority has required minor changes; or</i> <i>(6) The general configuration has changed by less than ten percent (10%).</i> <p><i>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.</i></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>

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	There were no application waivers requested pursuant to 8-6A-4A.
8-6A-7 Public Hearing Process		No compliance issues noted	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.

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>
Garden City Comprehensive Plan	<p>This application is in future land use designations of the Comprehensive Plan:</p> <p style="padding-left: 40px;">a) Residential Low Density</p> <p>This designation notes that the area is intended to be 'predominately single-family detached housing, although some areas of attached housing may be appropriate near major arterials and public facilities.'</p>
Garden City Street Light Policy	No issues noted. There is a streetlight located at the end of Gramarcy Lane.