

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	SUBFY2021-0002
)	
Extension Request)	FINDINGS OF FACT,
4539 & 4535 N. Adams St., 314 E. 45 th St.))	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER came before the Garden City Council for consideration on February 14, 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 applicant is David Powell.
 2. The property owner of record is 45th & Adams LLC.
 3. The subdivision is located at 4535 & 4539 N. Adams St. and 314 E. 45th St.
 4. Ada county Assessor parcel number(s):
 - a. R2734500168 described as NW 1/2 OF LOT 17 BLK 1 EXC RW FAIRVIEW ACRES SUB NO 01 #1110-B.
 - b. R2734500162 described as PAR #0162 OF LOT 16 BLK 1 FAIRVIEW ACRES SUB NO 01 #0159-B.
 - c. R2734500152 described as PAR #0152 OF LOT 16 BLK 01 FAIRVIEW ACRES SUB NO 01 #0150-S.
1. The application was approved for one year on February 22, 2021.
 2. The city received a one-year extension request in writing noting:
 - a. Work commenced immediately upon Council approval and has progressed continuously from that time.
 - b. Plan approval and coordination has taken longer than usual.
 - c. Plan approval is anticipated in the next few months.
 - d. There has been no major change to the neighborhood, plans, or policies that would affect the compatibility of the project.

3. The following standards in the Garden City Code apply to this proposal:

Standards	Compliant	Conclusions
GCC 8-5B-6 Term of Subdivision Permit	N/A	Not applicable with an extension approval.
GCC 8-6A-8 Expiration of Approvals	Yes	<p>1. Good Cause exists for the request:</p> <p><u>Explanation:</u> Good cause for the request exists. Work commenced immediately upon Council approval and has progressed continuously from that time. Plan approval and coordination has taken longer than usual. Finally, plan approval is anticipated in the next few months.</p> <p>2. The application and or applicable regulations have not changed.</p> <p><u>Explanation:</u> There has not been a substantial change in the application nor has there been changes in applicable regulations.</p> <p>3. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project:</p> <p><u>Explanation:</u> There has not been change in the neighborhood, plans or policies that affect the compatibility of the project.</p> <p>4. The property is compliant and has been compliant, or actively pursuing compliance with all city, state, and federal with codes and laws since the date of approval:</p> <p><u>Explanation:</u> There are no current known violations of the property.</p>

		<p>5. It is in the City's best interest to grant the extension:</p> <p><u>Explanation:</u> It is in the City's best interest to grant the extension. The subdivision extension request notes that the plat is near recordation. Moreover, the region needs additional housing.</p>
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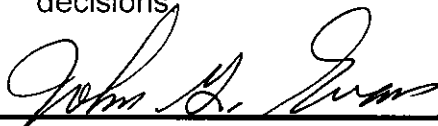
CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and concludes the application **does** meet the standards of approval under G.C.C. § 8-6-A.8.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Garden City Council does hereby **Approve** this request for an extension of the subdivision approval.

1. The subdivision approval extension request has been approved for one year, to da date of February 22, 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.



Mayor, John G. Evans

2-15-22

Date

