

BEFORE THE GARDEN 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:)	SUBFY2022-0001
)	
)	
Combined Preliminary and Final Plat)	
Subdivision Planned Unit Development)	
511 E Remington St)	FINDINGS OF FACT
Garden City, Ada County, Idaho)	CONCLUSIONS OF LAW,
)	AND DECISION
_____)	

THIS MATTER came before the Garden City Council for consideration on March 14, 2022. The Garden City Council reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The application is for a Combined Preliminary and Final Plat Subdivision processed as a Planned Unit Development.
2. The application is located at 511 E Remington St.; Ada County Parcel #R7334160981; described as LOTS 05-06 BLK 06 RANDALL ACRES SUB NO 05 #8621367 #96100114.
3. The subject property is 1.950 acres.
4. The applicant is Marty Pieroni of Treasured Communities, Inc.
2. The property owner of record is Treasured Communities Inc.
3. The project is in the R-3 Zoning District.
4. The project is located in the Mixed-Use Residential designation of the Comprehensive Plan Future Land Use Map.
5. The project is located in the floodplain according to the 2003 FIRM.
6. The project is located in the floodplain according to the 2020 FIS.

7. The following section of the Garden City Development Code apply to this proposal:
- a. Garden City Code 8-5: Land Division Regulations
 - b. Garden City Code 8-2B: Base Zoning District Regulations
 - c. Garden City Code 8-4A: Design and Development Regulations – General Provisions
 - d. Garden City Code 8-4B: Design and Development Regulations – Design Provisions for Residential Structures
 - e. Garden City Code 8-4D: Parking and Off-Street Loading Provisions
 - f. Garden City Code 8-4E: Transportation and Connectivity Provisions
 - g. Garden City Code 8-4H: Flood Hazard
 - h. Garden City Code 8-4G: Sustainable Development Provisions
 - i. Garden City Code 8-4I: Landscaping and Tree Protection Provisions
 - j. Garden City Code 8-4L: Open Space Provisions
 - k. Garden City Code 8-6A: Administration – General Provisions
 - l. Garden City Code 8-6B-7 Planned Unit Development
 - m. Garden City Code 4-14: Storm Drainage and Erosion Control
 - n. Garden City Code Title 6: Public Water and Sewer Systems
8. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived	
X			Preliminary Title Report
X			Site Plan
X			Neighborhood Map
X			Subdivision Map
X			Schematic Drawings
X			Lighting Plan
X			Topographic Survey
X			Grading Plan
X			Soils Report
X			Hydrology Report
X			Engineering Plans and Specifications
X			Dedications and Easements
X			Covenants and Deeds and Restrictions
		X	Approved Addresses
X			Will Serve Letter
		X	Irrigation/Ditch Company Information
		X	Locations, elevations, and materials for Master Sign Plan
	X		Subdivision Name and Reservation
	X		County Approved Addresses

*Items that are waived may be required for reviews later.

9. Additional application materials submitted include:
 - a. Site Plan;
 - b. Floor Plans;
 - c. Fire Flow;
 - d. Materials Plan;
 - e. Landscape Plan;
 - f. 300' Neighborhood List;
 - g. Sign-In Sheet;
 - h. Record of Survey;
 - i. Construction Plans;
 - j. Affidavit of Legal Interest;
 - k. Application;
 - l. Statement of Intent.

10. This decision is based on the following plans:
 - a. Preliminary Pat submitted on February 7, 2022, dated February 3, 2022.
 - b. Landscape Plan submitted on February 7, 2022, dated February 7, 2022.
 - c. Architectural Elevation Plans and Floor Plans submitted on February 7, 2022, dated November 2, 2021.
 - d. Site Plan Submitted February 7, 2022.
 - e. Renderings Submitted February 7, 2022.

11. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date ¹	Completion Date
Receipt of application	12/24/2021	11/09/2021
Letter of Acceptance	12/09/2021	11/23/2021
Radius Notice	01/03/2021	12/13/2021
Interested Parties	n/a	n/a
Legal Notice	12/30/2021	12/10/2021
Agency Notice	01/03/2022	12/03/2021
Property Posting Sign	01/11/2022	01/07/2022
Affidavit of Property Posting and Photos	01/08/2022	01/07/2022

12. Agency Comments were received from:
 - a. Boise School District; December 21, 2021
 - b. Republic Services; December 3, 2021, and January 11, 2022
 - c. Ada County Fire; December 22, 2021
 - d. DEQ; December 10, 2021
 - e. City Engineer; December 29, 2021
 - f. ACHD; December 29, 2021

¹ This date is based on the date of the first of any public hearing scheduled.

13. Written Public Comments were received from:
 - a. Julie Sendra on January 11, 2022;
 - b. Shawn McFadden on January 14, 2022;
 - c. Miguel Gaddi on January 15, 2022;
 - d. Joseph Brown; January 18, 2022

14. On January 18, 2022, a public hearing before the Garden Design Review Committee was held:
 - a. Marty Pieroni presented the application.
 - b. Staff, Hanna Veal, presented the staff report.
 - c. Public testimony was heard from:
 - i. Joseph Brown in opposition; is there any wheelchair accessible unit? Is it low-income housing? Remington is going to be a busy vehicular travel way with the new development(s). There could be potential pedestrian and vehicular conflict. The existing fence should be higher and screened for privacy.
 - ii. Julie Sendra in favor; want the development to align more with Goals 4, 5 & 7 of the Comprehensive Plan.
 - d. Marty Pieroni provided rebuttal:
 - i. Concern about the Greenbelt running through the property and the safety of the subdivision's citizens.
 - e. Public testimony was closed.
 - f. Discussion included:
 - i. Terminus view needs to be of landscaping.
 - ii. The guest parking at the end of the drive can be eliminated, or at least one can be removed, to accommodate more landscaping and provide safer conditions for the public pedestrian and bicycle pathway.
 - iii. Adopted Transportation Needs List requires the Greenbelt connection.
 - iv. Updated renderings of units facing Remington. The façade facing Remington cannot appear as a side elevation.
 - v. ADA accessible units are encouraged.
 - vi. Unique design between the two-bedroom and three-bedroom units is required. Units cannot all be of the same architectural design. Architectural variety is required by the Design Review Committee.
 - vii. Six-foot wide pedestrian pathway is not wide enough. Should at least be ten feet wide per code.
 - viii. Existing water well on site was planned for irrigation. The subdivision is required to have pressurized irrigation per Garden City Code.
 - g. Committee member Hurd moved to continue to a date certain of February 22, 2022.
 - h. Commissioner Gresham seconded the motion.
 - i. The motion carried unanimously.

15. On February 22, 2022, a public hearing before the Garden City Design Review Committee was held:
 - a. Marty Pieroni presented the application.
 - b. Staff, Hanna Veal, presented the staff report.
 - c. There was no public testimony.
 - d. Marty Pieroni provided rebuttal:
 - i. The Greenbelt pathway has been conditioned to be installed upon the development of the subdivision. However, the applicant has requested to wait until a connection to the adjacent properties can be made.
 - e. Public testimony was closed.
 - f. Discussion included:
 - i. Most comments from the previous Design Review hearing seem to be addressed.
 - ii. Reinforce the entryway to make it more pronounced from E. Remington.
 1. Stoop could protrude more for front porch-like elects such as furniture or pots and plants.
 2. Awning for the front porch will welcome pedestrians to the entire neighborhood.
 - iii. Terminus view shall be landscaped with trees and shrubbery.
 - g. Committee Member Hurd moved to approve the application as drafted in the draft decision in the affirmative with the following modifications to the conditions of approval:
 - i. Reinforce the entryway to make it more pronounced from E. Remington.
 1. Stoop could protrude more for front porch-like elects such as furniture or pots and plants.
 2. Awning for the front porch will welcome pedestrians to the entire neighborhood.
 - ii. Terminus view shall be landscaped with trees and shrubbery.
 - h. Committee Member Labrie seconded the motion.
 - i. The motion carried unanimously.
15. On January 19, 2022, a public hearing before the Garden City Planning and Zoning Commission was held and moved to the date certain of February 16, 2022.
16. On February 16, 2022, a public hearing before the Garden City Planning and Zoning Commission was held:
 - a. Marty Pieroni presented the application.
 - i. He reviewed the changes and the project.
 - ii. He verified that the intention is to remove the non-conforming fencing with the exception of the south boundary.
 - iii. He noted that the south barbed wire and chain link fence are owned by the adjacent property owner.
 - b. Staff, Jenah Thornborrow, presented the staff report.

- i. She clarified that the record will clearly contain that the property owner has no interest in the fence to the south.
- c. Public Testimony was received by Don May in support.
- d. Marty Pieroni and Robin Gates provided rebuttal:
 - i. Mr. Pieroni noted that the setback waiver was to vary and augment the rear yards.
 - ii. Mr. Pieroni indicated a preference to construct the greenbelt path at such a time that there is a connection.
 - iii. Ms. Gates further described the housing variety: While the number of bedrooms is similar, the design intends for different users; e.g., the master bedroom on the ground floor is intended for ADA or other universal design needs; the design with the master on the same level as other units is designed with families in mind; the dual masters is designed for singles cohabitating.
- e. Public testimony was closed.
- f. Discussion included:
 - i. Unanimous support for the way that the housing variety was addressed. It was noted that the project is in line with what the code contemplates as it addresses all ages and walks of life. It can accommodate a range of needs while there is a similar look and feel to the units.
 - ii. Commendation for the changes made to the application and the efforts to address the comments provided by the Design Review Committee and staff.
- g. Commissioner Hurd moved to approve the application as drafted in the draft decision in the affirmative.
- h. Chairman Pounds seconded the motion.
- i. The motion carried unanimously.

17. On March 14, 2022, a public hearing before the Garden City Council was held:
 a. This section will be completed to reflect the proceedings of the meeting.

18. The record contains:
- a. Application
 - b. Agency Comments
 - c. Public Comments
 - d. Noticing Documents
 - e. Staff Report
 - f. Design Review Committee Minutes and Hearing Audio: January 18, 2022
 - g. Design Review Committee Minutes and Hearing Audio: February 22, 2022
 - h. Design Review Committee Recommendation
 - i. Planning and Zoning Minutes and Hearing Audio: January 19, 2022
 - j. Planning and Zoning Minutes and Hearing Audio: February 16, 2022
 - k. Planning and Zoning Recommendation
 - l. City Council Minutes and Hearing Audio: March 14, 2022

m. City Council Decision Document

19. In consideration of a combined preliminary and final plat subdivision the decision maker shall make the following findings:

<p>The draft findings are written based on the recommendations from the Planning and Zoning Commission and the Design Review Committee. The City Council will review all evidence, and the draft findings may be updated based on their review and consideration.</p>			
<p>GCC 8-5B-5: SUBDIVISION PROCESS: REQUIRED FINDINGS</p>			
Conclusion		Standard	
Compliant	Not Applicable to this Application	Not Compliant	
X			<p>Finding 1. The subdivision is in conformance with the Comprehensive Plan;</p> <p>Explanation: The application is cohesive with the Comprehensive Plan’s Mixed-Use Residential land use designation as it proposes a mix of residential units that are more residential in character in design. The development is in conformance with the Comprehensive Plan’s Goal 1 Nurture the City, Goal 2 Improve the City Image, Goal 4 Emphasize the “Garden” in Garden City, Goal 5 Focus on the River, and Goal 7 Connect the City.</p>
X			<p>Finding 2. The subdivision is in conformance with all applicable provisions of this title;</p> <p>Explanation: As conditioned, the application is in conformance with the applicable sections of Garden City Code.</p>
X			<p>Finding 3. Public services are available or can be made available; and are adequate to accommodate the proposed development;</p> <p>Explanation: There are public services available that can accommodate the proposed development.</p>

X			<p>Finding 4. The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program;</p> <p>Explanation: The subdivision does not undermine scheduled public improvements or the City's capital improvement program.</p>
X			<p>Finding 5. There is public financial capability of supporting services for the proposed development</p> <p>Explanation: The City Engineer has provided an ability to serve a letter stating the existing system is capable of providing water and sewer services.</p>
X			<p>Finding 6. The development will not be detrimental to the public health, safety, or general welfare;</p> <p>Explanation: The installment of a detached pedestrian sidewalk along E. Remington Street provides a better bicycle and pedestrian connection than what currently exists. This proposed sidewalk will help create a better, safer Greenbelt connection. The proposed public easement and pathway will enhance connectivity between the Greenbelt, the development, and future adjacent developments. The pathway will help to promote the general welfare of the community and provide a safe path that which pedestrians and bicyclists can use.</p>
X			<p>Finding 7. The development preserves significant natural, scenic, or historic resources.</p> <p>Explanation: The application integrates with the surrounding residential area, proposes to enhance connectivity to the Greenbelt, and proposes to landscape and beautify the development site.</p>

The draft findings are written based on the recommendations from the Planning and Zoning Commission and the Design Review Committee. The City Council will review all evidence, and the draft findings may be updated based on their review and consideration.

GCC 8-6B-7: PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS

Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X			<p>Finding 1. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;</p> <p>Explanation: Approval of this application is conditioned that the development shall be initiated within two years of the date of approval.</p>
X			<p>Finding 2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;</p> <p>Explanation: The proposed development and each structure can successfully exist independently of the surrounding area and will not be detrimental to the surrounding neighborhood.</p>
X			<p>Finding 3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;</p> <p>Explanation: The proposed development has a common drive that is capable of handling anticipated traffic which will provide</p>

			ingress/egress onto E. Remington Street. The subdivision is not large enough to trigger a traffic impact analysis.
	X		<p>Finding 4. Any proposed commercial development can be justified at the locations proposed.</p> <p>Not applicable: The development does not propose any commercial aspects.</p>
X			<p>Finding 5. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council</p> <p>Explanation: This application meets the provisions identified by the planned unit development process. The requested waivers provide for a more useful pattern of open space and recreation areas, as well as a higher density that is more appropriate to the location and size of the property</p> <p>The application provides a choice of living environments through providing a variety of floorplans that will address different needs of different individuals and families. The buildings provide architectural variation.</p>
X			<p>Finding 6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;</p> <p>Explanation: The proposal is compatible with the surrounding uses and the neighborhood vision.</p> <p>The proposal is a component of the overall neighborhood. The types of housing and uses will provide for a more comprehensive variety of residential options in the neighborhood.</p>

X			Finding 7. The PUD is in general conformance with the comprehensive plan;
			Explanation: With the unique design of the dwellings and increase in density, this development may be considered compatible with the existing residential uses in the neighborhood.
	X		Finding 8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;
			Explanation: The ability to serve letter has been submitted by the City Engineer and states that the existing infrastructure is capable of servicing the proposed development.
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X			Finding 1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;
			Explanation: The development is compatible with the surrounding uses, is a permitted use within the C-2 zoning district and meets the zoning district setback and density standards as set forth in Garden City Code. Waivers have been submitted where standards have not been met and conditions have been drafted to reach code compliance where waivers were not requested.
X			Finding 2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;
			Explanation: The City Engineer has provided an ability to serve a letter stating the existing system

			is capable of providing water and sewer services.
X			<p>Finding 3. The use will not unreasonably diminish either the health, safety, or welfare of the community;</p> <p>Explanation: There is no evidence that the proposal is detrimental to the public health, safety, or general welfare of the community.</p>
X			<p>Finding 4. The use is no in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p>Explanation: The application is compliant with the Comprehensive Plan’s Goal 1 Nurture the City, Goal 2 Improve the City Image, Goal 4 Emphasize the “Garden” in Garden City, Goal 5 Focus on the River, and Goal 7 Connect the City.</p>

20. The record was reviewed by the Garden City Council to render the decision.

CONCLUSIONS OF LAW

The Garden City Council reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies/does not satisfy** the required findings under GCC 8-5B-5, 8-6B-2, and 8-6B-7.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Decision, the Garden City Council hereby recommends **APPROVAL/DENIAL** of application SUBFY2022-0001 for a Combined Preliminary and Final Plat Subdivision processed as a Planned Unit Development and subject to the following conditions:

CONDITIONS

General Application Specific Conditions of Approval:

1. This approval is for a combined preliminary and final plat for a residential subdivision encompassing 24 lots – 23 lots are to be designated for residential use and 1 lot is to be designated as a common lot.

2. Approved waivers to Garden City Code, Title 8 regulations include:
 - a. Waiver to R-3 setback standards, allowing for custom setbacks;
 - b. More than 4 dwelling units being served through a common drive, allowing for 23 units to be served on a common drive.
 - c. A reduction of the 12' pathway easement allowing for a 10' easement.
 - d. Pressurized irrigation as required by 8-5A-5 (H) so as long as there is conformance with State Statutes and agreement and approval by the Garden City Engineer.
3. Common driveways, open space, and other common areas shall be included in an easement or on a common lot.
4. Setbacks for all lots shall be from the property lines.
5. Lot 1 shall be considered a common lot.

Prior to City Signature on Plat:

1. A note must be provided on the final plat documenting:
 - a. The current flood zone in which the property or properties are located;
 - b. FEMA FIRM panel(s), FIRM effective date(s), flood zone(s), base flood elevation(s); and
 - c. Flood zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by this code.
2. Provide a note on the final plat to read, "Building setback lines shall be in accordance with the approved planned unit development application, Garden City file number SUBFY2022-0001". The approved reductions from code required setback are:
 - a. Rear Setback: 10'
3. For the purposes of setback measurements:
 - a. On 2 & 24, the front setback shall be considered the westernmost property boundary line facing E. Remington Street. And; the side yard setback shall be considered the portion of the property that which the garage faces towards N. Riverpath Lane.
 - b. On all other lots, the front setback shall be considered the portion of the property that which the front entry door faces;
 - c. On all other lots, the rear setback shall be considered the portion of the property that which the back yards are.
4. As required by the City Engineer or this decision, easements shall be provided. All easements must be noted on the plat or otherwise adopted. At a minimum, the following easements shall be provided:
 - a. 17-foot-wide drainage and utility easement at front of each buildable lot
 - b. 10-foot-wide drainage and utility easement at the rear of each buildable lot and at subdivision boundary

- c. Drainage and utility easement between buildings at lot sidelines
 - d. Public 10-foot-wide multi-use greenbelt pathway easement (for connection to the Greenbelt) connecting to adjacent properties along the rear of the property and to the adjacent northern and southern properties.
 - e. All common open spaces shall be located on an open space easement with the grantee being Riverpath Subdivision or be located within a common lot.
 - i. Common lots shall be noted as unbuildable.
5. A building envelope within which future building footprints will be located shall be shown on the lots.

Prior to approval of construction plans:

1. Updated landscape plans, floor plans, and site plans shall be submitted to match the renderings submitted on February 7, 2022.
2. The terminus of the private drive shall provide code-compliant landscaping including trees and shrubbery to better enhance the terminus view.
 - a. The guest parking found at the rear of the property may be eliminated to accommodate more landscaping and provide safer conditions for the public pedestrian and bicycle pathway.
3. If any trees are to be removed from the site, a tree mitigation plan must be submitted and in compliance with GCC 8-4I-7 Tree preservation provisions.
 - a. Any trees removed prior to the certified arborist's report being submitted will be considered to have been healthy, and thus, mitigation will be required.
4. All light fixtures must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.
5. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
6. All utilities on the site and in the right-of-way adjacent to the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
7. Pressurized irrigation shall be provided as approved by the Garden City Engineer
8. All existing non-compliant chain-link fencing shall be removed from the site. Any future fence or wall installed will be required to be in compliance with code at the time of development.
 - a. Any non-compliant fencing that is owned by adjacent property owners shall not be required to be removed upon the construction of the subdivision, however, a notarized document identifying ownership of the fence shall be submitted to the city.

9. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossing along Remington Street.
10. At least four bicycle parking spaces shall be provided on-site in accordance with Garden City Code 8-4D
 - a. Bicycle parking spaces shall be placed in such a way that when mounting and dismounting the bicycles do not reverse into the sidewalk traffic area, E. Remington Street, nor Riverpath Lane.
 - b. All bicycle parking shall be located so as to not prevent the sidewalk traffic from maintaining a continuous momentum.
11. The front entry of a residential structure shall be clearly defined and identifiable as demonstrated by the following:
 - a. All units adjacent to Remington Street shall have a primary entrance on the street.
 - b. All dwelling units shall have a direct and permanent pathway that connects to the public sidewalk.
 - c. Reinforce the entryway on two end units adjacent to E. Remington Street to make the entry more pronounced facing E. Remington.
 - i. Stoop must protrude more for elements such as furniture or potted plants.
 - ii. Increase the size of the awning.
12. The application shall be compliant with Garden City Code 8-4L Open Space Provisions.
 - a. At least 10% of the site is required to be designated common open space.
 - b. Common open space shall provide connectivity with other open areas, public spaces, trails, or water features within and off the site.
 - c. The landscaping located within individual unit backyards shall not count towards the common open space minimum requirements.
 - d. The common drive shall not count towards common open space requirements unless specifically designed to act as a plaza area as defined by Garden City Code 8-4C.
13. All units adjacent to E. Remington Street shall have a primary entrance on the street.
14. The frontage of E. Remington Street shall have a total of at least 5 Class II or Class III Street trees.
15. There shall be a 10-foot-wide multi-use greenbelt pathway installed (for connection to the Greenbelt) connecting to adjacent properties along the rear of the property and to the adjacent northern and southern properties.
16. Terminus view shall be landscaped with trees and shrubbery.

Prior to approval of building permits for structures:

1. All structures shall adhere to the requirements of GCC 8-4H Flood Hazard.
2. All structures except for those dedicated solely to storage, access, or parking, and utilities thereof, shall be built with the lowest floor at or above the anticipated base flood elevation, refer to Garden City resolution 1083-20.
3. All new residential developments over 4 dwelling units are required to submit and build to GCC 8-4G sustainable development provisions. The applicant shall submit a sustainability checklist and any proposed development must be compliant with GCC 8-4G standards.
4. The subdivision must obtain Ada County Approved addresses for all new lots.
5. All outdoor service and equipment systems shall be identified on-site plans and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
6. A binding contract that establishes the party or parties responsible for the repair and maintenance of the common lots including regulations for the funding shall be recorded with a final plat. No building permit shall be issued until the contract has been recorded.

For the Duration of the Use:

1. Bicycle parking spaces shall be placed in such a way that when mounting and dismounting the bicycles do not reverse into the sidewalk traffic area, E. Remington Street, nor Riverpath Lane.
2. All streets and driveways shall adhere to the standards of a clear vision triangle.
3. Any tree that is removed or dies shall be replaced with an equal or larger tree species.
4. All common open spaces shall be located on an open space easement with the grantee being Riverpath Subdivision or be located within a common lot.
 - a. The common open spaces shall not be altered or eliminated by individual property owners.
 - b. The subdivision shall maintain all open spaces in accordance with Garden City Code 8-1C Property Maintenance Provisions as well as Garden City Code 8-4L Open Space Provisions.

General Requirements:

1. The development shall be initiated within two (2) years of the date of approval.
2. The applicant shall comply with all requirements of the reviewing entities.
3. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis

of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape maintenance provisions 8-4I-9; and standards for transportation and connectivity provisions identified in 8-4E.

4. Approval of the subdivision does not constitute approval for any uses.
5. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho."
6. The approved addresses and a copy of the recorded plat must be provided to the city prior to the city considering the subdivision complete.
7. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
8. Required easements must either be on the plat or provided in a recordable document that includes a legal description and illustration.
9. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
10. The property owner is responsible for the maintenance of all landscaping and screening devices required.
11. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.
12. Plant materials that exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
13. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
14. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
15. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
16. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.
17. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
18. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
19. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways, and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
20. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
21. The landscape installation shall stabilize all soil and slopes.

22. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
23. System Installation Required: 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.
24. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to final plat signature.
25. The approval is specific to the application provided and reviewed.
26. This approval is for this application only. Additional permits, licenses, and approvals may be necessary. All other applicable permits must be obtained.
27. The property owner is responsible for the maintenance of all landscaping and screening devices required.
28. All outdoor living spaces must comply with Garden City Code 8-3C General Provisions- Living Space Requirements.
29. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
30. All stormwater systems must comply with Garden City Code 8-4A-7.
31. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications, and ordinances.
32. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the City Engineer. Total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
33. Unobstructed easements, including but not limited to, drainage, water, sewer, and connections to public right-of-way or pathways shall be provided as required by the City.
34. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
35. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction and recordation of the final plat. Any changes to the plans and specifications upon which this approval is based, other than those required by the conditions noted in this decision, will require the submittal of an application for modification and approval of that application prior to commencing any change. Final approval is based on conformance with the plans reviewed and approved.
36. Any changes to the design of this project shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Other changes that are not in conformance with the approval shall be remanded to the decision-making body.

37. No subdivision plat required shall be recorded by the Ada County Recorder until such subdivision plat has received final approval by the Council. No public board, agency, Commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Title until the final plat has received approval by the Council.
38. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing any permits or signing the final plat.
39. In the event that an applicant and/or owner cannot complete the non-life, safety, and health improvements, within the time specified in the final subdivision approval or prior to occupancy, the City may require a surety agreement in accordance with Garden City Code. Unless financial guarantees of improvement completion have been accomplished, no approval of the final subdivision or recording thereof shall be permitted unless the applicant provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.
40. The Development Services Director may enter into a restricted build agreement on the City's behalf, provided the agreement is compliant with the approved restricted build agreement policies.
41. This approval shall expire 365 days from its approval unless otherwise extended as allowed by Garden City Code.
42. Approval shall become null and void if the applicant fails to record a final subdivision within one (1) year of the approval. If the timetable is not met and the applicant does not receive a time extension, the application will expire and become null and void.
43. This application shall be considered intent to vacate any previous use on-site; all previous uses at this location shall be considered abandoned.
44. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
45. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
46. A takings analysis pursuant to Idaho Code may be requested on final decisions.
47. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

Mayor, John G. Evans

Date

STANDARD CONDITIONS FOR DENIAL DECISION

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-5B-5, 8-6B-2, and 8-6B-7. This project is not in compliance with 8-5B-5, 8-6B-2, and 8-6B-7 standard(s) because it is not in compliance with the Garden City Comprehensive Plan Goal 5 and 7; and Garden City code sections 8-4B-3, 8-4I-4. Compliance can be met by changing lots 2 and 23 to provide pedestrian scale architectural features, reorienting the primary entrances of lots 2 and 23 to face E. Remington, adhering to setbacks, creating a wider, more usable public pedestrian and bike-friendly pathway, providing an additional street tree along E. Remington, and providing a certified arborist letter demonstrating tree mitigation.
2. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
3. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
4. A takings analysis pursuant to Idaho Code may be requested on final decisions.
5. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

Mayor, John G. Evans

Date