

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:)	SUBFY2022-0002
)	
Final Plat Subdivision)	FINDINGS OF FACT,
3900 N. Reed Street)	CONCLUSIONS OF LAW,
)	AND DECISION
Garden City, Ada County, Idaho)	
_____)	

THIS MATTER, came before the Garden City Council for consideration on January 27th, 2025. 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 Final Subdivision.
2. The preliminary plat was approved by City Council on October 24, 2022.
3. The application is located at 3900 N. Reed Street; R2734560340
4. The subject property is 0.35 acres.
5. The applicant is Jeff Hatch.
2. The property owner of record is HONDO REED LLC.
3. The project is in the R-3 Medium density residential Zoning District.
4. The project is located in the Mixed-Use Residential designations of the Comprehensive Plan Future Land Use Map.
5. The project is in the:
 - a) 100 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.

6. The following section of the Garden City Development Code apply to this proposal:
 - a. Garden City Code 8-5B-3: Final Subdivision Process Land Division Regulations
 - b. Garden City Code 8-6A Administration

7. 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			Subdivision Map
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

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

8. Additional application materials submitted include:
 - a. Site Plan;
 - b. Floor Plans;
 - c. Landscape Plan;
 - d. Affidavit of Legal Interest;
 - e. Application;
 - f. Statement of Intent;
 - g. Compliance Statement;
 - h. Irrigation plan;
 - i. Arborist report and Mitigation
 - j. Final Plat.

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

Noticing Requirement	Required Date	Completion Date
Letter of Acceptance	10/20/2024	10/09/2024
Radius Notice	10/28/2024	10/09/2024
Agency Notice	10/28/2024	10/09/2024
Legal Notice	10/24/2024	10/11/2024
Property Posting Sign	11/02/2024	01/10/2025
Affidavit of Property Posting and Photos	11/05/2024	01/13/2025

2. On January 27, 2025, a public hearing before the Garden City Council was held:
 - a. This section will be completed after the hearing.

3. The record contains:
 - b. Application
 - c. Agency Comments
 - d. Noticing Documents
 - e. Staff Report
 - f. Hearing Minutes and Audio
 - g. Decision

4. In consideration of a final subdivision the planning official or designee has found the final subdivision is /is not in substantial compliance with the preliminary subdivision approval:

GCC 8-5B-3: FINAL SUBDIVISION PROCESS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			<p>Finding: The number of buildable lots is the same or fewer</p> <p>Explanation: The number of buildable lots for development has decreased by 1.</p>
X			<p>Finding: The amount of common open space is increased</p> <p>Explanation: The open space now includes a pet park, a bike washing and air station, and a clubhouse with a patio. This has been found to be in substantial compliance.</p>
X			<p>Finding: The amount of open space is relocated with no reduction in the total amount</p> <p>Explanation: There has been no reduction in the amount of open space.</p>

X		<p>Finding: The number of open space lots has been increased</p> <p>Explanation: The number of lots is the same.</p>
X		<p>Finding: The transportation authority has required minor changes</p> <p>Explanation: The transportation has not required any changes that warrant a re-review of the application.</p>
X	X	<p>Finding: The general configuration has changed by less than ten percent (10%)</p> <p>Explanation: In Approval: Configuration has changed by 3.5%. In Denial: The general configuration has not changed significantly, however the removal of the pathway is a fundamental change in the application.</p>
X	X	<p>Finding: The planning official or designee has determined there is a substantial difference in the final subdivision than that which was approved as a preliminary subdivision or that the conditions have not been met.</p> <p>Explanation: In Approval: There final subdivision proposal is consistent with the preliminary plat approval, and the applicant has met all conditions of approval/ the preliminary subdivision conditions of approval are still required of the application. In Denial:</p>

			The nature of the subdivision has changed in that proposal. A key element of the site, the pedestrian path connecting Reed Street and Greenbelt, was removed.
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5. The record was reviewed by the 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-3.**

DECISION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Decision, the Garden City Council hereby **APPROVES/DENIES** application SUBFY2022-0002 for a Final Plat Subdivision subject to the following conditions:

POTENTIAL CONDITIONS FOR APPROVAL DECISION

Prior to City Signature on Plat:

1. This approval is for a preliminary plat for a residential subdivision encompassing 7 lots – 5 designated for residential use, and 2 common lots.
2. The final plat mylar, easements, and construction of the subdivision shall be in conformance with this approval as reviewed and approved or otherwise conditioned through this approval.
3. Each final subdivision approval shall indicate the acceptance of the infrastructure, the timing of the construction and completion for all improvements and any required amenities associated with the subdivision.
4. 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. A note: “Flood zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by this code.”
5. Easements:

- a. As required by the City Engineer or this decision easements shall be provided.
 - b. All easements must be depicted on the plat either directly or noted by a separately recorded easement that is noted on the plat by the instrument number (generally preferred method).
 - c. Easements shall define the grantee and adequate information to fully identify the location of the easement such as a legal description and illustration and provide adequate information to clearly identify the intent of the easement.
 - d. Easements shall be unobstructed unless otherwise specified.
 - e. At a minimum, the following easements shall be provided:
 - i. Flood protection dedicated to the City for any portion the property that may be within 70' of the Boise River ordinary high-water mark.
 - ii. Public utility.
 - iii. Water and sewer
 - 1. If not otherwise designated by the City Engineer the 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.
 - iv. Drainage.
 - v. Lot 1-3:
 - 1. Ingress/egress easement to serve Lot 2.
 - vi. ACHD sidewalk easement.
6. 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 SUBFY2022-0002".
- a. The approved reduction from code required setback are:
 - i. Lot 2-6:
 - 1. Front Setback: 11'
 - 2. Side Yard Setback: 5'
 - 3. Rear Yard Setback: 5'
7. Common Lots
- a. Lots 1 and 7 shall be designated as common lots on the plat.
 - b. All common open spaces shall be located within an open space easement with the grantee being Honcik Subdivision or be located within a common lot.
 - c. The common open spaces shall not be altered or eliminated by individual property owners.
 - d. 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.
 - e. A minimum of 10% of the gross site area shall be in common open space.

8. A building envelope within which future building footprints will be located shall be shown on the lots.
9. All required guest parking spaces shall be located within perpetual easement with the grantee being Honcik Subdivision Homeowners Association or be located within a common lot.
10. A binding contract that establishes that the common lots and guest parking are available to the entirety of the subdivision as well as the party or parties responsible for the repair and maintenance of the common lots and guest parking including regulations for the funding shall be recorded.
11. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho."
12. Submit a sustainability checklist that demonstrate compliance with or an exemption from Garden City Code 8-4G for each anticipated lot and or structure prior to final plat signature.

Prior to approval of construction plans:

1. The site plan and subsequent construction shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. A Floodplain development permit is required.
3. Landscaping
 - a. Where there are conflicting landscape details, the approved Landscape Plan shall prevail.
 - b. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - c. 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.
 - i. 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.
 - d. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside between the sidewalk and vehicular travel way. An additional tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.

- i. The frontage of N. Reed Street shall have a total of 3 class II or III trees.
 - ii. Approval of trees shall be determined by the Garden City Development Services Department Staff prior to approval of construction plans.
 - e. Perimeter landscaping is required along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property.
 - f. Perimeter landscaping is required along the western property boundary line between the proposed development and Heron Park.
 - g. 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.
 - h. 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.
 - i. 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 tree species.
 - j. All 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.
 - k. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
 - l. The landscaping plan may be amended, and reviewed at a staff level, to ensure compliance with Garden City Code 8-4I Landscaping and Tree Protection Provisions, and 8-4L-4 Common Open Space if there is equal or greater landscaping provided and no reduction in tree canopy. All other changes to landscaping must be approved by the Design Review Committee or decision maker.
4. Pressurized irrigation shall be provided in conformance with Garden City Code 8-5A-5H. 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.

5. All light fixtures must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.
6. All outdoor service and equipment areas shall be screened and comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
7. 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.
8. 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.
9. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along N. Reed Street.
10. Vehicular parking
 - a. Parking spaces shall be a minimum of 10'X20'
 - b. The guest parking shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
11. Bicycle Parking
 - 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, the Greenbelt, or N. Reed Street.
 - b. All bicycle parking shall be located so as to not prevent the sidewalk traffic from maintaining a continuous momentum.
12. All outdoor living spaces must comply with Garden City Code 8-3C General Provisions- Living Space Requirements.
13. All stormwater systems must comply with Garden City Code 8-4A-7.
14. 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.
15. Approval from North Ada County Fire and Rescue shall be required.
 - a. Approval of the common drive width is required
16. If trees are to be relocated to the Greenbelt, approval for the trees relocation to the Greenbelt shall be secured from the City of Garden City.

17. Pavers comprising the vehicular drive shall be visually distinct from the pavers comprising the pedestrian sidewalk. An asphalt drive is not permitted.
18. A “mini park” adjacent to Reed Street is required instead of the connection to the Greenbelt connection through the development that was proposed and approved in the preliminary plat.
 - a. Benches and bike racks must be provided in the mini park.
 - i. The bicycle racks shall be placed so that bicycles do not encroach into the sidewalk adjacent to Reed Street or the “mini park.”
 - ii. Benches shall face Reed Street.
 - b. The landscaping shall include minimally the plants identified in the landscape plan, however, it shall be rearranged to be compatible with the revised site plan. Additional plantings are acceptable in the place of turf.
19. The sidewalk is allowed to be 5' in width and must be constructed to connect to the public sidewalk in Heron Park.
20. The revised site plan prevails over plans that have not been updated to reflect the proposed changes.
21. Street trees shall be required in the area between the vehicular travel way and the sidewalk along Reed Street regardless of the Ada County Highway Districts (ACHD) landscape width requirements. If additional space is required by ACHD to facilitate class II or III trees the additional space must be provided.
22. There shall be no removal of trees offsite, including but not limited to the Heron Park Garden City owned property between the proposed project and the Greenbelt.

Prior to approval of building permits for structures

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. All buildings, accessory structures, garages, and carports shall be compliant with the design provisions set forth in Garden City Code 8-4B.
 - a. Materials used on the street facade of a residential structure shall wrap a minimum of two feet (2') around the facades not facing the street or terminate at a perpendicular building element.
 - b. The front entry of a residential structure shall be clearly defined and identifiable as demonstrated by the following:
 - i. Shall have a direct and permanent pathway that connects to the public sidewalk; and
 - ii. Shall be clearly visible in the front elevation of the structure; and
 1. A front entry door with a covered porch, dormer, stoop, decorative posts, or roof; or

2. A front entry door may not be located flush with garage doors but may be located in the portion of the building closer to the front property line with the garage setback a greater distance from the front property line.
 - c. All elevations adjacent to public streets must contain:
 - i. Windows; and
 - ii. Shall have a direct and permanent pathway that connects to the sidewalk and an entrance with decorative posts or roof, or covered porch; and
 - iii. Modulation in the building facades.
 - d. A garage and carport shall be deemphasized when viewed from the public street demonstrated by one (1) of the following:
 - i. The garage or carport shall not occupy more than fifty percent (50%) of the building line adjacent to any public street unless the garage has one (1) of the following: windows in or above the garage doors; and dormers, raised or recessed trim on the garage doors; or garage doors sized for a single automobile; and contains texture, color, and materials that match the residential structure; and
 1. The garage or carport is recessed at least six feet (6') behind the front building line of the residential structure; or
 2. The garage or carport is located with a side entrance.
 - ii. The garage or carport is located off a public street designated as an alley.
1. All structures shall be found in compliance with Garden City Code 8-4B.
 2. The floorplans shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 3. All structures shall adhere to the requirements of GCC 8-4H Flood Hazard should the FEMA flood insurance maps be updated prior to building permit submittal.
 4. The subdivision must obtain Ada County Approved addresses for all new lots.
 5. All HVAC systems and outdoor service and equipment areas shall be identified in building plans for permit review and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
 6. All units adjacent to streets shall have a primary entrance on the street.
 7. The garage unit shall have a pedestrian scaled façade that which addresses N. Reed Street.
 8. Setbacks for all lots shall be from the property lines.

During the Construction

1. Construction noise that is disruptive to the neighborhood shall be limited to Monday through Saturday from 7:00 am to 8:00 pm unless residents within 300'

and the city have been notified in advance of the specific days which it will be necessary to exceed this limitation.

For the Duration of the Use

9. The fencing adjacent to the Greenbelt shall be made of made of open-vision material, cannot exceed four-feet in height and shall be set back a minimum of 2-feet from the Greenbelt.
10. Property owners, Homeowner Association, or guests shall not have private, separate from the public, access to the Greenbelt.
11. Any landscaping directly adjacent to the Greenbelt taller than 18” must be trimmed back 18” or more from the Greenbelt. Tree limbs that are higher than 6.5’ in height may encroach into the Greenbelt. No boulders or structures are allowed within 18” of the Greenbelt.
12. There shall be no removal of vegetation, earth work, or structures beyond the parameters of the ownership of Honcik Subdivision, without the expressed permission of the adjacent property owner including property owned by public entities.
13. There shall be no removal of vegetation, alteration of land, or planning on the land north of the Greenbelt shall commence without an approved Riparian Permit.
14. 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, the Greenbelt, or N. Reed Street.
 - a. All bicycle parking shall be located so as to not prevent the sidewalk traffic from maintaining a continuous momentum.
15. All streets and driveways shall adhere to the standards of a clear vision triangle.
16. Landscaping:
 - a. The property owner is responsible for the maintenance of all landscaping and screening devices required.
 - b. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem.
 - c. Dead plant materials shall be replaced equal or larger species.
 - d. 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.
 - e. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.

- f. 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.
 - g. The landscape installation shall stabilize all soil and slopes.
 - h. If removed, the existing 26" silver maple shall be relocated to the Greenbelt.
 - i. If removed, the existing 12' Juniper shall be relocated to the Greenbelt.
 - j. 21% or more of the site shall be dedicated to landscaping.
 - k. 10% or greater of the site shall be dedicated to qualified open space.
17. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
18. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
19. All common open spaces shall be located on an open space easement with the grantee being Honcik 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.
 - c. A minimum of 10% of the gross site area shall be in common open space.

General Requirements:

1. Upon approval or approval with conditions by the council and signature of the city engineer, the applicant may submit the final subdivision to the Ada County recorder for recording. The final subdivision shall contain the certifications required under Idaho Code section [50-1301](#) et seq., as well as those required by the city.
2. The approval is specific to the application provided and reviewed.
3. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained.
4. The applicant shall comply with all requirements of the reviewing entities.
5. 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.
6. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho."
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 which 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 property owner is responsible for the maintenance of all landscaping and screening devices required.
26. All outdoor living spaces must comply with Garden City Cod 8-3C General Provisions- Living Space Requirements.

27. All outdoor service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
28. All stormwater systems must comply with Garden City Code 8-4A-7.
29. 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.
30. 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.
31. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City.
32. 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.
33. 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 substantial 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 submittal of an application for modification and approval of that application prior to commencing any change. Final approval is based on substantial conformance with the plans reviewed and approved.
34. Any substantial changes to the design shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
35. 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.
36. 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 Garden City Code. Unless financial guarantees of improvement completion has 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.
37. This approval shall expire two (2) years from its approval, unless otherwise extended as allowed by Garden City Code .
38. Approval shall become null and void if the applicant fails to record the plat within two (2) years 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.

39. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.

DENIAL

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-5B-3. This project is not in compliance with 8-5B-3 standard. Compliance can be met by providing measures to better address Reed street.
2. A new preliminary plat shall be submitted to the city.

STANDARD FOR BOTH IN APPROVAL AND DENIAL

3. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
4. Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed, or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.
5. Pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code, a takings analysis may be requested on final decisions.
6. 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

01-27-2025
Date