

BEFORE THE GARDEN CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:) SUBFY2022-0007
)
)
Final Plat Subdivision)
Planned Unit Development) FINDINGS OF FACT
4640 N. Adams Street) CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho) AND DECISION
_____)

THIS MATTER, came before the Garden City Council for consideration on April 22, 2024. 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 Plat processed as a Planned Unit Development subdivision.
2. The applicant is Jadon Schneider.
3. The property owner of record is BT Development.
4. The location of the project is 4640 N. Adams Street; Taxing Parcel Number: R2734522861; Property is described as E 100' OF LOTS 33 & 34 BLK 21 EXC R/W FAIRVIEW ACRES SUB 03 #2980-B.
5. The subject property is 0.454 acres.
6. The project is located in the Main Street Corridor and the Mixed-Use Residential designations of the Comprehensive Plan Future Land Use Map.
7. The project is in the R-3 Zoning District.
8. The project is located in the floodplain according to the 2003 FIRM.
9. The project is located in the floodplain according to FEMA's most recent modeling of the Lower Boise River, adopted by resolution 1083-20.
10. There has been no denial of any application in the same form for the same use on this property within one year.

11. The following section of the Garden City Development Code apply to this proposal:
 - a. Garden City code 8-1A-4: Applicability
 - b. Garden City Code 8-5B-3B: Contents of Final Subdivision
 - c. Garden City Code 8-5B-3C.2: Substantial Compliance
 - d. Garden City Code 8-6A: Administration – General Provisions

12. 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		Will Serve
		X	Approved Addresses

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

13. Additional application materials submitted include:
 - a. Application;
 - b. Compliance Statement;
 - c. Statement of Intent;
 - d. Quad Six Subdivision Name Reservation;
 - e. Streetlight Plan;
 - f. Landscape Plans;
 - g. Master Plan Narrative
 - h. Pressure Irrigation Plan;
 - i. Building Plans and Structural Elevations.

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

Noticing Requirement	Required Date	Completion Date
Letter of Acceptance		02-14-2024
Radius Notice	04-07-2024	03-12-2024
Agency Notice	04-07-2024	03-12-2024
Property Posting Sign	04-12-2024	04-12-2024
Affidavit of Property Posting and Photos	04-15-2024	04-15-2024

15. Agency Comments were received from:
 - a. Department of environmental Quality, March 19, 2024
 - b. Republic Services, March 12, 2024
 - c. North Ada County Fire and Rescue, April 8, 2024
 - d. Idaho Transportation Department, March 14, 2024
16. Public Comments were received from Jerri Miller.
17. The City Council approved the preliminary plat on September 11, 2023.
18. On April 22, 2024, at the Garden City Council hearing:
 - a. To be updated to reflect the proceedings.
19. The record contains:
 - a. Preliminary Plat record documents
 - b. Application
 - c. Noticing Documents
 - d. Agency Comments
 - e. Public Comments
 - f. City Council Decision
20. In consideration of a final subdivision the planning official or designee has found the final subdivision in substantial compliance with the preliminary subdivision approval:

GCC 8-5B-3: FINAL SUBDIVISION PROCESS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X			<p>Finding: The number of buildable lots is the same or fewer.</p> <p>Explanation: There are nine buildable lots, the same as the approved preliminary plat.</p>
X			<p>Finding: The amount of common open space is increased.</p> <p>Explanation: There has been no change to the amount of common space.</p>
X			<p>Finding: The amount of open space is relocated with no reduction in the total amount.</p>

			Explanation: There has been no reduction in the amount of open space.
X			Finding: The number of open space lots has been increased. Explanation: The number of lots are consistent with the approved preliminary plat.
X			Finding: The transportation authority has required minor changes. Explanation: The transportation authority has not required any changes that warrant a re-review of the application.
X			Finding: The general configuration has changed by less than ten percent (10%) Explanation: The configuration has not changed by more than 10%.
X			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. Explanation: The final subdivision proposal is consistent with the preliminary plat approval, and the preliminary subdivision conditions of approval are still required of the application.

21. The record was reviewed in its entirety 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** 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 **SUSTAINS/MODIFIES/REJECTS** the **Planning Official** recommendation and **GRANTS/DENIES** application SUBFY2022-0007 Quad 6 Subdivision for a Final Plat Subdivision processed as a Planned Unit Development and subject to the following conditions:

Prior to City Signature on Plat:

1. 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.
2. Common driveways, open space, and other common areas shall be included in an easement or on a common lot noted as unbuildable.
3. 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."
4. Easements
 - a. As required by the City Engineer or this decision easements shall be provided.
 - b. All easements must be noted on the plat either directly or by instrument number (generally preferred method) or otherwise recorded.
 - c. Easements shall define the grantee and adequate information to depict the location of the easement such as a legal description and illustration.
 - d. Easements shall be unobstructed unless otherwise specified.
 - e. At a minimum, the following easements shall be provided:
 - i. Public utility and services including, but not limited to power, cable, telephone, water, sewer, drainage, and refuse (or otherwise provide a perpetual agreement).
 - ii. 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.
 - iii. Drainage.

- iv. Cross-access Easement along the common drive per instrument number 7625360 & 7625361.
 - i. Cross-Access easement for pedestrian pathway along eastern boundary line.
 - ii. Cross-access easement for pedestrian pathway granting permission to the adjacent subdivision located at 405 E. 47th Street.
 - iii. Open Space easement on lots 6 and 7 with the grantee being the Homeowners Association.
 1. This easement shall be noted as unbuildable and all common open space landscaping and hardscaping shall remain indefinitely as approved.
5. 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 SUBFY2022-0007".
 - a. The approved reductions from code required setback are:
 - i. Lot 1:
 1. Front Setback: 5'/10' (10' is applicable to the garage).
6. Common Lots and common open space easement:
 - a. All common open spaces shall be located on common lots and noted as unbuildable on the plat;
 - b. Lot 10 shall be considered a common lot;
 - c. The common lot is permitted to reduce in size or be eliminated provided that an easement is provided for the common open space. The easement shall be dedicated to the subdivision's HOA for maintenance of all common open space.
7. For Clarification, let it be known that:
 - a. Lot 1:
 - i. Front Setback shall be considered the area between the public right-of-way of Adams Street and the structure.
 - ii. Rear setback shall be considered the area between the structure and lot 10 dedicated to the common drive of the subdivision.
 - iii. Interior side setback shall be considered the property line between lot 1 and lot 2.
 - iv. Side setback shall be considered the area between the structure and the eastern property boundary line.
 - b. Lots 2-9:
 - i. Front Setback shall be considered the area between the residential structures and the eastern property boundary line.
8. A building envelope within which future building footprints will be located shall be shown on the lots.

9. 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.
10. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho".

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. All landscaping shall be found in conformity with Garden City Code 8-41 Landscaping and Tree Protection Provisions.
 - b. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - c. A total of 43 caliper inches shall be mitigated for on-site in compliance with GCC 8-41-7 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 II or class III tree shall be planted in the frontage and every adjacent streetside. 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. Adams Street shall have a total of 3 class II or III trees. This condition shall prevail over the approved landscaped plan.
 - e. 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 8-41 and as shown in the approved landscape plans.
 - f. 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.
 - g. 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.
 - h. 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.

- i. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
 - j. 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 provided that 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 site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
8. Contrasting hardscape material shall be installed:
 - a. At the drive aisle to better identify the pedestrian crossings along Adams Street;
 - b. Along the common drive adjacent to the driveways;
 - c. Across the common drive to connect to the future subdivision development site associated with 405 E. 47th Street.
9. Vehicular parking
 - a. Guest parking spaces shall be a minimum of 8'X15'
 - b. Residential parking spaces shall be a minimum of 10'x20' or otherwise meet the waiver request dimensions.
 - c. The guest parking shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
10. Bicycle Parking
 - a. At least two bicycle parking spaces shall be provided on-site.
 - b. 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, nor N. Adams Street.
 - c. All bicycle parking shall be located so as to not prevent the sidewalk traffic from maintaining a continuous momentum.

11. All outdoor living spaces must comply with Garden City Code 8-3C General Provisions- Living Space Requirements.
12. All stormwater systems must comply with Garden City Code 8-4A-7.
13. 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.
14. A sustainability checklist shall be submitted and found in compliance with Garden City Code 8-4G Sustainable Development Provisions.

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. The floor plans 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. Setbacks for all lots shall be from the property lines.
8. Additional architectural articulation along the structure's eastern facades shall be provided and approved by staff:
 - a. Concealment of HVAC and other electrical equipment shall be architecturally integrated into each structure.
 - b. Additional variation in structural materials shall be provided to better diversity and identify each dwelling unit.

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, nor N. Adams Street.
2. All streets and driveways shall adhere to the standards of a clear vision triangle.

3. 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 by 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.
4. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
5. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
6. Any future fence or wall will be required to be in compliance with code at the time of development.
7. All common open spaces shall be located on an open space easement with the grantee being the Quad 6 Subdivision HOA 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.
8. Irrigation ditches, laterals, canals, and drains shall be left open and used as a water amenity or linear open space unless it can be reasonably demonstrated in a way that the design review committee can determine through a design review committee level approval that: (Ord. 944-12, 5-14-2012)
 - a. The maintenance of the irrigation ditch, lateral, canal, or drain with any associated easement encumbers more than fifty percent (50%) of the property; or
 - b. The irrigation ditch, lateral, canal, or drain is located on the property in such a manner that a use of the property is infeasible; or
 - c. The irrigation ditch, lateral, canal, or drain is enclosed on both ends adjacent to the property, and the adjacent properties are fully developed in

a manner that future opening of the enclosed irrigation ditch, lateral, canal, or drain is infeasible.

9. Irrigation ditches, laterals, canals, and drains do not require fencing. If fencing is installed, open fencing only is allowed, and privacy fencing is prohibited. All fencing shall be approved by the irrigation or drainage district.
10. In no circumstances shall structures be built over irrigation ditches, laterals, canals, and drains or within their dedicated easements.

General:

1. This approval is for a preliminary for a residential subdivision encompassing 10 lots – 9 lots are to be designated for residential use, and 1 lot is to be designated as a common lot.
2. This approval is based on the following plans:
 - a. Landscape Plan Submitted on June 8, 2023, dated May 23, 2023.
 - b. Open Space Plan, Submitted on August 8, 2023.
 - c. Architectural Elevation Plans and Floor Plans submitted on August 8, 2023, dated May 12, 2022.
 - d. Site Plan Submitted August 8, 2023, dated May 2023.
 - e. Preliminary Plat submitted August 8, 2023, dated May 2023
3. Approved waivers to Garden City Code, Title 8 regulations include:
 - a. More than four units on a drive;
 - b. Reduction of setbacks:
 - i. Allowing for a 5'/10' front yard setback on lot 1
 - c. Guest Parking to be in driveways;
 - i. Guest parking dimensions permitted to be 8' x 15'
 - d. Common open space minimal dimensional requirements;
 - i. Allowing for smaller dimension of common open space to count towards the minimum square footage requirement.
4. The development shall be initiated within two (2) years of the date of approval.
5. The applicant shall comply with all requirements of the reviewing entities.
6. 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.
7. Approval of the subdivision does not constitute as the approval for any uses.

8. The approved addresses and a copy of the recorded plat must be provided to the city prior to the city considering the subdivision complete.
9. The approval is specific to the application provided and reviewed.
10. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained.
11. 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.
12. 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 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.
13. 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.
14. 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 final plat has received the approval by the Council.
15. 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.
16. 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 have been accomplished, no recording of the plat shall be permitted unless the applicant provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.

17. 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.
18. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code.
19. 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.
20. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.
21. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
22. 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.
23. A takings analysis pursuant to Idaho Code may be requested on final decisions.
24. 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

April 22, 2024

Date