

BEFORE THE GARDEN DESIGN REVIEW COMMITTEE
GARDEN CITY, ADA COUNTY, IDAHO

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

THIS MATTER, came before the Garden City Design Review Committee for consideration on October 17, 2022, November 7, 2022, and December 19, 2022. The Garden City Design Review Committee reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Design Review Committee makes the following Findings of Fact, Conclusions of Law and Recommendation:

FINDINGS OF FACT

1. The application is for a Preliminary 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 8-1B: General Regulations
- b. Garden City Code 8-5: Land Division Regulations
- c. Garden City Code 8-2B: Base Zoning District Regulations
- d. Garden City Code 8-4A: Design and Development Regulations – General Provisions
- e. Garden City Code 8-4B: Design and Development Regulations – Design Provisions for Residential Structures
- f. Garden City Code 8-4D: Parking and Off-Street Loading Provisions
- g. Garden City Code 8-4E: Transportation and Connectivity Provisions
- h. Garden City Code 8-4H: Flood Hazard
- i. Garden City Code 8-4G: Sustainable Development Provisions
- j. Garden City Code 8-4I: Landscaping and Tree Protection Provisions
- k. Garden City Code 8-4L: Open Space Provisions
- l. Garden City Code 8-6A: Administration – General Provisions
- m. Garden City Code 8-6B-7 Planned Unit Development
- n. Garden City Code 4-14: Storm Drainage and Erosion Control
- o. Garden City Code Title 6: Public Water and Sewer Systems

12. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived	
X			Compliance Statement
X			Preliminary Title Report
X			Neighborhood Map
X			Subdivision Map
X			Master Plan
X			Site Plan
X			Landscape Plan
X			Schematic Drawings
X			Lighting Plan
X			Topographic Survey
X			Grading Plan
X			Soils Report
X			Hydrology
X			Engineering drawing and Specifications
X			Natural Hazards and Resource Analysis
X			Dedications and Easements
X			Covenants and Deed Restrictions

X			Will Serve
X			Subdivision Name Reservation
		X	Verification that address is an Ada County Approved Address*
Other Materials Provided			
			Parking Plan Exhibit Waiver Request Letter PUD Narrative Mitigation Plan Arborist Report

*Items that may be required for reviews later.

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

Noticing Requirement	Required Date ¹	Completion Date
Receipt of application	10/11/2022	08/22/2022
Letter of Acceptance	09/22/2022	09/21/2022
Radius Notice	10/23/2022	09/21/2022
Interested Parties	n/a	n/a
Legal Notice	10/19/2022	09/28/2022
Agency Notice	10/23/2022	09/27/2022
Property Posting Sign	10/28/2022	10/08/2022 – Planning and Zoning 10/25/2022 – Design Review
Affidavit of Property Posting and Photos	10/31/2022	10/25/2022 – Planning and Zoning 10/25/2022 – Design Review

14. Agency Comments were received from:

- a. ACHD, dated October 6, 2022
- b. Boise Fire, dated October 13, 2022
- c. City Engineer, dated October 8, 2022
- d. Republic Services, dated September 28, 2022

15. No public comments were received.

16. On October 17, 2022, a public hearing was held with the Design Review Committee and was continued to the date certain of November 7, 2022, due to noticing errors.

17. On November 7, 2022, a public hearing with the Garden City Design Committee was held and discussion included:

- a. Jadon Schneider presented the application.

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

- i. Conversations with ACHD regarding the driveway being dedicated Public ROW.
 - ii. Trash carts to be picked up by Republic Service on the common drive.
 - b. Hanna Veal presented the staff report.
 - c. There was no public testimony.
 - d. The applicant provided a rebuttal.
 - i. Irrigation lateral along western property line with privacy fence acting as buffer.
 - e. Public testimony was closed.
 - f. Discussion included:
 - i. To many waivers being requested.
 - ii. Parallel parking along common drive shall replace the driveway compact vehicle parking.
 - iii. Landscaping:
 - 1. Landscape buffer shall be planted on western property boundary line.
 - 2. Street trees are required and shall be planted according to code.
 - iv. Elevations do not have relief between the residences
 - v. Street side elevation is lacking. Flipping unit 1's floor plan would allow for additional fenestrations.
 - vi. Variety of architectural feature is missing.
 - vii. Hammer head turnaround should be utilized as common open space.
 - viii. Build common drive to ACHD road standards if you anticipate dedicating the road as public ROW.
 - g. Committee member Hurd moved the application to the date certain of December 19th, 2022.

18. On December 19, 2022, the Garden City Design Committee recommended approval of the application subject to the following conditions:
- a. Bill Tillman presented the application.
 - b. Staff, Hanna Veal presented the staff report.
 - c. There was no public testimony.
 - d. Jadon Schneider and Bill Tillman provided rebuttal:
 - i. 0' side yard setbacks interior to the development adjacent to the common lot can be adjusted if need be.
 - ii. Willing to increase the proposed garage space from 19.8' to 20' by moving the easement.
 - iii. Windows in living space on second floor should be shown, however they are not depicted in the elevations.
 - iv. Elevations are the most up to date documents regarding floorplans.
 - e. Public testimony was closed.
 - f. Discussion included:
 - i. The landscape buffer between driveways of the units shall be maintained indefinitely by the HOA.
 - 1. Landscaping needs to remain throughout the duration of the use.
 - ii. Additional fenestrations shall be provided along the street facing façade of Unit 1.

- iii. Grade changes shall not show exposed, stepped foundation walls.
 - 1. The facades shall have material across all walls despite the grade changes.
 - 2. Garage windows shall follow the grade changes so as to not only have second story windows.
- iv. Garage doors shall have glazing.
- g. Committee Member Hurd moved to approve the application as drafted in the draft decision in the affirmative with draft conditions of approval with the following modifications to the conditions of approval:
 - i. The landscape buffer between driveways of the units shall be maintained indefinitely by the HOA.
 - ii. Additional fenestrations shall be provided along the street facing façade of Unit 1.
 - iii. Grade changes shall not show exposed, stepped foundation walls.
 - 1. The facades shall have material across all walls despite the grade changes.
 - 2. Garage windows shall follow the grade changes so as to not only have second story windows.
 - iv. Garage doors shall have glazing.
 - v. Additional waiver allowing for Unit 1 to have a 5'/10' front setback. With the 10' setback being applicable to the garage.
- h. Committee Member Labrie seconded the motion.
- i. The motion carried unanimously.

19. The record contains:

- a. Application
- b. Noticing Documents
- c. Agency Comments
- d. Public Comments
- e. Design Review Committee Minutes and Hearing Audio: October 17, 2022
- f. Design Review Committee Minutes and Hearing Audio: November 7, 2022
- g. Design Review Committee Minutes and Hearing Audio: December 19, 2022
- h. Design Review Committee Recommendation

20. In consideration of a preliminary plat subdivision the decision maker shall make the following findings:

GCC 8-5B-5: SUBDIVISION PROCESS: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X			Finding 1. The subdivision is in conformance with the Comprehensive Plan;

			<p>Explanation: The application is cohesive with the Comprehensive Plan's Main Street Corridor land use designation as it proposes minimal front yard setbacks. Pedestrian features include common open space landscaped areas adjacent to N. Adams Street and internal to the development.</p> <p>The application is cohesive with the Mixed-Use Residential Designation of the Comprehensive Plan in that it proposes small scale residential dwelling units, with a density and design that is more urban in character.</p> <p>The application 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, 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, and with approved waivers to code via the Planned Unit development Process, 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 application has provided the ability to serve letter and it has been stated that the system is capable of providing fire protection and capacity.</p>
X			<p>Finding 6. The development will not be detrimental to the public health, safety, or general welfare;</p> <p>Explanation: This proposal will not unreasonably diminish the health, safety, or welfare of the community as proposed. The maintenance of the existing 7-foot-wide sidewalk along N. Adams Street continues to provide for a safe transportation option for pedestrians.</p>
X			<p>Finding 7. The development preserves significant natural, scenic, or historic resources.</p> <p>Explanation: The application integrates with the surrounding urban area. Despite removing all existing trees from the site, the replacement calipers will eventually provide for a larger urban tree canopy than what currently exists on site.</p>

21. In consideration of a planned unit development, the decision maker shall make the following findings:

GCC 8-6B-7: PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable	

		to this Application	
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 private drive that is capable of handling anticipated traffic which will provide ingress/egress onto N. Adams Street. ACHD has approved of the proposed enhanced curb-cut N. Adams Street. The PUD is not large enough to trigger a traffic impact analysis.</p>

		X	<p>Finding 4. Any proposed commercial development can be justified at the locations proposed.</p> <p>Explanation: Not Applicable: This 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.</p> <p>The application provides a choice of living environments through providing a variety of floorplans and intended price points that will address a wide range of 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 more comprehensive variety of residential options in the neighborhood.</p>
X			<p>Finding 7. The PUD is in general conformance with the comprehensive plan;</p>

			<p>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.</p>
X			<p>Finding 8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;</p> <p>Explanation: The ability to serve letter was submitted as part of the packet. The letter determined that the existing services could support the proposed development.</p>
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			<p>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;</p> <p>Explanation: The townhome development is compatible with the surrounding uses and is permitted within the R-3 zoning district. Any deviations to code standards have been conditioned for compliance or waived as part of the Planned Unit Development.</p>
X			<p>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;</p> <p>Explanation: The ability to serve letter was submitted and stated that the existing public facilities are capable of serving the property and proposed development.</p>

X			Finding 3. The use will not unreasonably diminish either the health, safety, or welfare of the community;
			Explanation: There is no evidence that the proposal is detrimental to the public health, safety, or general welfare of the community.
X			Finding 4. The use is no in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.
			Explanation: The reviewed sections are in conformance with this finding. The comprehensive plan objectives reviewed, and land use designation support this application.

22. The record was reviewed in its entirety by the Design Review Committee to render the decision.

CONCLUSIONS OF LAW

The Garden City Design Review Committee 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-5, 8-6B-2, and 8-6B-7.

RECOMMENDATION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Decision, the Garden City Design Review Committee hereby recommends **APPROVAL** of application SUBFY2022-0007 for a Preliminary Subdivision processed as a Planned Unit Development and subject to the following conditions:

Prior to City Signature on Plat:

1. The final plat 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
 - 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.
 - v. Cross-Access easement for pedestrian pathway.
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)
 - 2. Side Setback: 0'
 - ii. Lots 4 & 6
 - 1. Side Yard Setbacks: 0'
6. Common Lots
- a. All common open spaces shall be located on common lots and noted as unbuildable on the plat;
 - b. Lot 5 & 9 shall be considered common lots;
 - 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 know 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 9 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 between lot 1 and the eastern property boundary line dedicated to the pedestrian pathway.
 - b. Lots 2-4 & 6-8:
 - i. Front Setback shall be considered the area between the residential lots and the common lot 5 dedicated to the pedestrian pathway.
 - c. Lots 4 & 6:
 - i. Side Yard Setback shall be considered the property line adjacent to common lot 5.
- 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".
- 11. 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. All landscaping shall be found in conformity with Garden City Code 8-4I 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 8-4I-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 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.
 - 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 8-4I 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 at the drive aisles to better identify the pedestrian crossings along Adams 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 one bicycle parking space shall be provided for 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 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. Setbacks for all lots shall be from the property lines.
8. Additional fenestrations shall be provided along the street facing façade of Unit 1.
9. Grade changes shall not show exposed, stepped foundation walls.
 - a. The facades shall have material across all walls despite the grade changes.
 - b. Garage windows shall follow the grade changes so as to not only have second story windows.
10. Garage doors shall have glazing.

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 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.
11. The landscape buffer between driveways of the units shall be maintained indefinitely by the HOA.

General:

1. This approval is for a preliminary for a residential subdivision encompassing 8 lots – 7 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 December 5, 2021, dated December 5, 2022;
 - b. Architectural Elevation Plans and Floor Plans submitted on December 5, 2022, dated November 17, 2022;
 - c. Site Plan Submitted December 5, 2021, dated December, 2022;
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 0' side yard setback on lots 4 & 6;
 - ii. Allowing a 5'/10' front yard setback for lot 1
 - c. Guest Parking to be in driveways;
 - i. Guest parking dimensions permitted to be 8' x 15'
 - d. Reduction to required garage width:
 - i. Garage width permitted to be 19.8'
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 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.
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.

Hammelen

12-19-2022

This signature verifies that this decision document has been reviewed and approved by the Design Review Committee

Date