



## DEVELOPMENT SERVICES DEPARTMENT

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# DESIGN REVIEW REPORT AND DECISION

File Number: SUBFY2022 - 0007

**Review Status:** REVISIONS NEEDED

**Plan Review Number:** 3

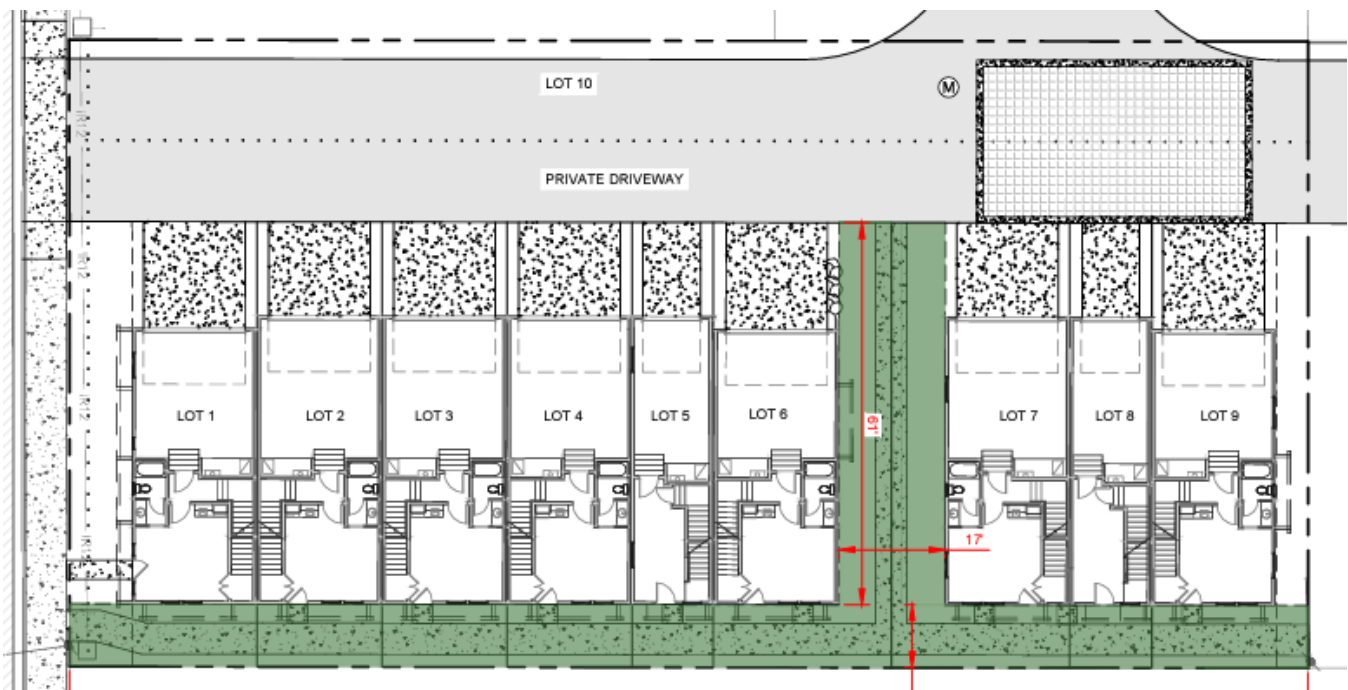
**Reviewer:** Hanna Veal and Mariia Antonova

**Design Consultant:** Brett Labrie

**Design Consultant:** Derek Hurd

**Date:** July 24, 2023

**Applicant:** Jadon Schneider



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## REPORT CONTENT

<b>SITE INFORMATION.....</b>	<b>3</b>
<b>PROJECT INFORMATION.....</b>	<b>4</b>
<b>AGENCY COMMENTS.....</b>	<b>4</b>
<b>PUBLIC COMMENT.....</b>	<b>8</b>
<b>MEETING SUMMARY.....</b>	<b>8</b>
<b>CODE AND POLICY REVIEW.....</b>	<b>8</b>
<b>DECISION PROCESS.....</b>	<b>18</b>
<b>REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION.....</b>	<b>18</b>
<b>IMAGES.....</b>	<b>27</b>

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## SITE INFORMATION

- 1) Owner: BT DEVELOPMENT LLC
- 2) Street Address: 4640 N. Adams Street
- 3) Ada County Tax Parcel Number(s): R2734522861
- 4) Property Description: E 100' OF LOTS 33 & 34 BLK 21 EXC R/W FAIRVIEW ACRES SUB 03 #2980-B
- 5) Legal Lot of Record: Unknown
- 6) Property Size: 0.454 acres
- 7) Zoning District:R-3
- 8) Zoning Overlay: None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Main Street Corridor
  - b) Mixed Use Residential
- 10)Floodplain Designation
  - a) The project is in the floodplain according to the 2003 FIRM.
  - b) The project is in the floodplain according to FEMA's most recent modeling of the Lower Boise River, adopted by resolution 1083-20
- 11)Adjacent Uses:
  - a) Residential – Single Family Detached Dwellings
  - b) Manufactured Homes
- 12)Existing Use Manufactured Home
- 13)Easements on site: There are no records on file with Garden City of existing easements.
- 14)Site Access: Adams Street
- 15)Sidewalks: Sidewalks are installed and are in good repair.
- 16)Wetlands on site: none identified.

## PROJECT INFORMATION

- 1) Proposed development: Residential - Preliminary Plat – Processed as a Planned Unit Development
- 2) Noticing was completed on: July 13, 2023
- 3) The neighborhood meeting was held on: July 6, 2023
- 4) Site Coverage: 19,602sqft total
  - a) Building: 14,068 = 39% of the site<sup>1</sup>
  - b) Landscaping: Unknown % of the site
  - c) Paved Areas: 5,745sqft = 29.3% of the site
- 5) Number of Structures: 2
- 6) Number of residential units total: 9
  - a) One-bedroom units: 2
  - b) More than one-bedroom units: 7
- 7) Total number of vehicular parking spaces: 32
  - a) Enclosed: 16
  - b) Surface: 16
- 8) Total number of bicycle parking: Unknown
- 9) Trash Enclosure: Republic Services will pick up individual services internal to the development.
- 10) Fencing: No fence is proposed
- 11) Sidewalk: Existing attached
- 12) Landscaping:
  - a) Street Trees: 3, class III [Tree Selection guide](#)
  - b) Parameter Landscaping: Mix of trees and shrubs
- 13) Connections:
 

Closest VRT Stop: on Chinden BLVD (~ 0.5 mi), W State St. (~1.4 mi)

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
<a href="#">Ada County Highway District</a>	10/06/2022	<ul style="list-style-type: none"> <li>• A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40- foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs.</li> <li>• Adams Street is classified as collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.</li> <li>• Reconstruct the existing 17-foot wide driveway onto Adams Street located 233-feet southeast of 47th Street</li> </ul>

<sup>1</sup> Narratives and Subdivision Map information are conflicting. The PUD narrative says 39% of the site is dedicated to building coverage, but the sub map calculations prove to be 71.7%.

		<p>as a 26-foot wide paved curb cut type shared driveway, as proposed.</p> <ul style="list-style-type: none"> <li>• Replace any damaged or deteriorated portions of curb, gutter, sidewalk, or driveway on Adams Street abutting the site. If the existing sidewalk is damaged, it should all be reconstructed as 7-foot wide attached or 5-foot wide detached concrete sidewalks.</li> <li>• Standard conditions required.</li> </ul>
<p>Republic Services <a href="#">Link to Comment</a></p>	09/28/2022	<p>This looks fine as long as the turn around meets the standards for the fire department.</p>
<p>Republic Services <a href="#">Link to Comment</a></p>	07/10/2023	<p>Hammerhead turn around looks fine so long as there is no street parking and the residents or HOA sign a waiver to be on a private drive.</p>
<p>Garden City Engineer <a href="#">Link to Comment</a></p>	10/08/2022	<ul style="list-style-type: none"> <li>• The land is portions of Lots 33 and 34 of Block 21 of FAS #3. Please provide evidence the land is an original parcel per city code (prior to 1988).</li> <li>• The review by the Boise Fire District will need to include review of locations of fire hydrants.</li> <li>• The project proposes to utilize permeable pavers for drainage control.</li> <li>• Be sure pavers are located at least 10 feet from structures unless a closer proximity is allowed via letter from the project's structural engineer or geotechnical engineer.</li> <li>• Please address how all roof drainage will be handled. Please note that roof drainage cannot discharge below the surface of pavers. All drainage is expected to remain onsite, unless some area is specifically approved to leave the site by the ACHD (to right-of-way).</li> <li>• Approval of the preliminary plat does not relieve the applicant from meeting the city's storm water requirements. Should the development require changes due to conflicts with the site layout and storm water requirements, said changes would be required.</li> <li>• Please provide a copy of the easement to the party to the north. How will this easement be perpetuated and notice provided to the Quad Six HOA? Who will be responsible for its maintenance through the project?</li> </ul>
<p>Garden City Engineer <a href="#">Link to Comment</a></p>	07/07/2023	<ul style="list-style-type: none"> <li>• Much of the updated submittal information has not been stamped, signed and dated by the engineer of record. Construction plans, applicable documents and reports that are not signed will not be reviewed. Additionally, a full construction plan review will not be performed until plans have been submitted to Public Works for their review. We note that the plans have been prepared by a firm titled Bronze Bow. If this entity offers professional engineering design services within Idaho, the entity must be an authorized engineering business listed with the Idaho Board of Professional Engineers and Professional Land Surveyors.</li> <li>• The project now includes a tee type turnaround that is depicted off-site. Please provide evidence of authorization to use the land for the turnaround. Will the turnaround be part of the land within the subdivision plat?</li> </ul>

		<ul style="list-style-type: none"> <li>• Is the internal road a private road? We expect due to the number of units proposed, Ada County will require the road to be named. Please provide county approved names, if necessary.</li> <li>• Should any changes or relocation of surface irrigation facilities be proposed, provide an approval of the project from the irrigation entity. The applicant must review the project and determine if an Army Corps of Engineers 404 permit will be necessary to obtain.</li> <li>• Will the applicant plan on creating a Restricted Build Agreement (RBA) for the project?</li> <li>• Approval of the project by the Ada County Highway District will be required.</li> <li>• Approval of the project by the North Ada County Fire and Rescue District will be required.</li> <li>• Water and sewer service must be reviewed and approved by the city's Public Works Department.</li> <li>• Are any fire hydrants required? If so, the minimum mainline running by the fire hydrant connection must be 8-inch pipe.</li> <li>• The project proposes to utilize permeable pavers for drainage control. Please note that the city will not replace/repair storm drainage systems placed over city water/sewer lines. Sewer services under pavers must be private. Final plat notes and information within the project C,C&amp;Rs must state this.</li> <li>• Will the applicant desire the city to perform a QLPE review for sanitary facilities?</li> <li>• Please provide a storm drainage analysis report for the project with the submittal of the construction plans. Be sure to include a drainage basin map in the report for the project.</li> <li>• Please address how all roof drainage will be handled. Please note that roof drainage cannot discharge below the surface of pavers. All drainage is expected to remain on-site, unless some area is specifically approved to leave the site by the ACHD (to right-of-way).</li> <li>• Please provide text within the report discussing both the depth and elevation of expected seasonal high groundwater. The geotech report notes seasonal high water is expected to be 5 feet. The city requires a minimum of 3 feet of vertical separation to seasonal high groundwater.</li> <li>• The geotech report recommends an infiltration rate of 8 inches per hour. Please add information in the report of system drain times.</li> <li>• Please add design sizes of the storm water systems to accommodate at least the 50-year storm design storm event volume (the study includes this volume, but does not fully define the impoundment) and peak Q's created by a 10-minute storm event.</li> <li>• Please add perimeter ground elevations to the plan to review to assure site grading/improvements will not impact adjoining lands.</li> <li>• Please provide a system operation and maintenance manual for review and approval.</li> </ul>
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		<ul style="list-style-type: none"> <li>• The landowner must enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system. The agreement must be fully executed, have approved plans attached and be recorded by the city after the final construction plan approval.</li> <li>• Please provide a copy of the easement to the party to the north. How will this easement be perpetuated, and notice provided to the Quad Six HOA? Who will be responsible for its maintenance through the project?</li> <li>• The site is currently located in FEMA Zone AE. Compliance with the city's floodplain ordinance will be required. The BFE from the FIRM is approximately 2643. The FIS, not the FIRMs, should be used to assess elevations for Elevation Certificates. The city requires the lowest floor to be elevated at least 2 feet above the current BFE.</li> <li>• Will the applicant be seeking an LOMR as part of the development process?</li> <li>• Additionally, the applicant should also review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. These are available on the city's website. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer. The work maps show this area with a BFE of approximately 2644.</li> </ul>
<a href="#">North Ada County Fire and Rescue</a>	10/13/2022	<ul style="list-style-type: none"> <li>• Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 600-feet from the hydrant.</li> <li>• Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. The roadway in this development shall have the sidewalks on each side of the roadway designed for 75,000-pound loading.</li> <li>• Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility.</li> <li>• The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet.</li> <li>• Signage for addressing will be required at the entrance of the project.</li> <li>• Other standard comments.</li> </ul>
<a href="#">Idaho Transportation Department</a>	07/07/2023	ITD does not have any objections to the Quad Six Subdivision for a total of 9 residential lots and 2 common lots located at 4640 N Adams St.
<a href="#">Idaho Department of Environmental Quality</a>	07/06/2023	General comments provided

## PUBLIC COMMENT

None provided as of the drafting of this document.

Commenter	Comment Date	Summary

## MEETING SUMMARY

This is a summary of the discussions that occur at the Design Review consultation meetings.

There have been no previous consultations on this project, however, there were previous Design Review hearings last fall.

## CODE AND POLICY REVIEW

### Discussion

#### Overview

The proposed project will be located on a 0.45 acre lot, which is to consist of 9 residential and 1 common lot. The common lot consists of the private drive and the common open space landscaped areas. The proposed density will be approximately 20 dwelling units per acre. The development will consist of three-story townhomes with sizes varying from 2000 to 2600 square feet.

The parcels immediately adjacent to the site on the Southeast and the Northwest are currently zoned R-3 and are occupied by residential homes. The Parcel to the Northeast is currently utilized as a commercial building and is known as “Glad’s Repair”; an Auto Repair Shop. The current access for Glad’s Repair comes from an ingress-egress easement across the proposed development’s property. The new private lane proposes to continue this easement while still providing upgrades to the site.

The reason for the resubmittal is so that the development can rearrange the fire access hammerhead turnaround location to connect to a future development that has yet to be entitled. The application was previously approved on February 9, 2023, as 7 residential lots and 1 common lot. The proposed changes impact parking, landscaping, architectural design, common open space, and lot numbers. The variety of housing has been increased due to the new two single family residential units.

The developer has continued to propose the landscape buffer width between the driveway pavement and the adjacent western property line to be 3 feet and is proposing that the guest parking stalls utilize the 15’L driveways within the site as previously proposed. The width of the landscape buffer also includes vertical landscaping to provide screening. Vertical landscaping consists of Red Obelisk Beech trees, reaching 10ft wide and 35ft tall at maturity, and placed about every 15’ to match that of the perimeter landscaping provisions of Garden City Code.



Site plans continue to show an increased front yard/landscape buffer adjacent to Adams Street at 10' W and revised landscape plans include appropriate street trees. A waiver has been drafted (and previously approved) to allow for the deviation to base zoning district setback standards.

A new architectural plan has been provided to include elevation relief between the residences and attempt to demonstrate a variety of architectural features. Furthermore, the street side elevation of Unit 1 has been updated, and the interior site plan has been adjusted to allow for additional fenestrations. Two new single-bedroom units have been proposed with single car garages.

The previously proposed common lot that separated the front of the units from the adjacent parcel to the East has now been replaced with individual lot lines that connect directly to the eastern property boundary line. The pedestrian pathway that now runs through the property boundary lines is protected by a 10' wide cross-access easement.

Updated PUD Waivers:

1. More than four units on a drive;
2. Reduction of setbacks:
  - a. Allowing for a 0' side yard setback on lots 6 & 7;
  - b. Allowing for a 5'/10' front yard setback on lot 1;
3. Guest Parking to be in driveways;
  - a. Guest parking dimensions requested to be 8' x 15'

Setbacks:

Lots 6 & 7 are adjacent to the open space within this subdivision and the side yard setbacks touching the common open space (lot 10) are requested to be reduced to 0'.

Staff has drafted new setback dimensions for Lot 1 because its front setback faces the street as opposed to the common pathway like the other residential lots. For Clarification, let it be know that:

1. Lot 1:
  - a. Front Setback shall be considered the area between the public right-of-way of Adams Street and the Structure.
  - b. Rear setback shall be considered the area between the structure and lot 9 dedicated to the common drive of the subdivision.
  - c. Interior side setback shall be considered the property line between lot 1 and lot 2.
  - d. Side setback shall be considered between lot 1 and the area dedicated to the pedestrian pathway.
2. Lots 2-5 & 8-9:
  - a. Front Setback shall be considered the area between the residential lots and area dedicated to the pedestrian pathway.
3. Lots 6 & 7:
  - a. Side Yard Setback shall be considered the property line adjacent to common lot 5.

The front setback of lot 1 conflicts with more than one section of code. The waiver is required due to the proximity of the garage in relation to the front property boundary line. Code states

that the front setback is “5’/20’\*”, the “20’\*” is interpreted to ensure that garages are setback 20’ from the property line. This application is proposing a 10’ setback from the property line, making the garage location not compliant. To be compliant, it would need to be setback an additional 10’ from the property boundary line.

Approving the waiver to allow for Lot 1 to have a 10’ front setback would allow for the garage’s proximity to the property line. However, by allowing for a smaller setback in this location, it is limiting the amount of landscaped area between the existing sidewalk, the driveway, and the structure. Landscape plans show a 10’ wide landscape area, in which is the only location the 3 required Class II or III street trees can go. The intent of the street trees is to provide high-and-wide branching canopies for environmental and safety benefits. The waiver to request for a lesser front setback effectively limits the ability of providing the required street trees that meet the code’s intent.

As a note, these setbacks, including the 10’ landscape buffer were previously approved in February by City Council.

Guest Parking

The applicant has continued to request that the guest parking be located within the driveways of the residential units. Staff has drafted a waiver request allowing for compact parking spaces of 8’W x 15’L in order to allow for two guest parking spaces in each double driveway as opposed to the requested. The one bedroom one car garage units are not included in this waiver because the driveway for these units is acting as their 1 required surface parking space location.

Code requires parking spaces to be 10’W x 20’L. The waiver would allow for a 5’ length deficiency, and a 2’ width deficiency.

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

<b>Garden City Title 8 Applicable Code Sections</b>		
Code Section	Compliance	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>		
<a href="#">8-1A-4 Applicability</a>		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
<a href="#">8-1B-1 Nonconforming Properties</a>	Compliant upon approval and recordation of the subdivision	The land is portions of Lots 33 and 34 of Block 21 of FAS #3. Please provide evidence the land is an original parcel per city code (prior to 1988).  Creation of the subdivision will resolve this issue, however, as the property description notes the parcel contains portions of Lots 33 & 34, it is likely that other parcels adjacent to this also contain portions of lot 33 & 34.
<a href="#">8-1B-2 Nonconforming Structures</a>	No compliance issues noted	
<a href="#">8-1B-3 Nonconforming Uses</a>	No compliance issues noted	

<b>Title 8, Chapter 2: Base Zoning District Regulations</b>		
8-2B-1 Purpose	No compliance issues noted	The application is 20 units per acre, under the 35 units per acre maximum within the R-3 Zoning District. The subdivision specifically requests entitlements for single family attached residential units, which is consistent with the purpose identified for the R-3 Zoning District.
<a href="#">8-2B-2 Allowed Uses</a>	No compliance issues noted	Single Family Attached Dwellings are a permitted use.
<a href="#">8-2B-3 Form Standards</a>	Not Determined Waiver requested	<p>The required setbacks are:            Front: 5'/20'            Interior Side: 0'/5'            Rear: 15'            Street side: 5'</p> <p>The allowable maximum height is: n/a            The minimum lot size is: n/a            There are encroachments. PUD waivers have been requested.</p> <p>A waiver has been requested to allow for 0' side setback for lots 6 &amp; 7. The original waiver requesting a 0' front setback has been revoked due to the residential lots expanding in size towards the eastern property boundary line. The 0' front setback waiver is not longer required due to the common lot being eliminated in this area. A 10' cross-access easement has replaced the common lot, which is to overlay the pedestrian pathway in this location.</p> <p>The application requests a 0' side setbacks of lots 6 &amp; 7. The intent of code's setbacks will be met as the common lot is acting as the setback. The draft condition allows for this waiver, but a draft condition also allows for the common area lot to be reduced in size provided that an easement is provided for the common space. The reason that this condition is suggested is so that the applicant will have more flexibility with regards to fire penetrations that are not allowed at a 0' setback.</p> <p>All improvements are more than 70' from the Boise River.            The property meets the minimum street frontage.</p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>		
<a href="#">8-4A-3 Fences and Walls</a>	Complaint as Conditioned	This proposal does not identify any fence or wall. Any future fence or wall will be required to be in compliance with code at the time of development.
<a href="#">8-4A-4 Outdoor Lighting</a>	Complaint as Conditioned	<p>The application proposes streetlights.</p> <p>This proposal does not identify any outdoor lighting on the structures. Any future outdoor lighting will be required to be in compliance with code at the time of development</p>
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	Complaint as Conditioned	<p>Individual trash carts are proposed for pick up internal to the development.</p> <p>This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.</p> <p>Items will be reviewed at the building permit level.</p>

<a href="#">8-4A-7 Stormwater Systems</a>	Complaint as Conditioned	See City Engineer comments. A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
<a href="#">8-4A-8 Utilities</a>	Complaint as Conditioned	A draft condition of approval is provided requiring each lot to be connected to City services.  Another draft condition of approval is provided requiring that all utilities be underground.
<a href="#">8-4A-9 Waterways</a>	Complaint as Conditioned	Existing irrigation canal along the western property boundary line to remain open. Code requires that irrigation ditches, laterals, canals, and drains shall be left open and used as a water amenity or linear open space. The application appears compliant with this standard.  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.  For any irrigation or drainage ditch, piping or alteration of the ditch shall not impede the movement of the amount of water crossing the property prior to development or the amount of water delivered to downstream properties.
<a href="#">8-4B-3 Single Family and Two-Family Attached and Detached Dwelling</a>	No compliance issues noted	The front entry of a residential structure shall be clearly defined and identifiable through the use of: <ol style="list-style-type: none"> <li>1. A permanent pathway that connects to the public sidewalk;</li> <li>2. Shall be clearly visible in the front elevation of the structure;</li> <li>3. A front entry door with a covered porch, dormer, stoop, decorative posts or roof;</li> </ol> All elevations adjacent to public streets must contain: <ol style="list-style-type: none"> <li>1. Windows;</li> <li>2. Shall have a direct and permanent pathway that connects to the sidewalk and an entrance with decorative posts or roof, or covered porch</li> <li>3. Modulation in the building facades.</li> </ol> The Dwelling unit located on lot one requires additional discussion. The application shows an attempt to address the street. The Design Review Committee shall determine what additional, if any, design shall be required to better address the street. All other facades are also subject to review.
<b>8-4D Parking and Off Street Loading Provisions</b>		
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	Not Determined Waiver requested	Two car garages appear to be 20' wide, with an unknown depth. Single car garages appear to be 13' wide, with an unknown depth. Code requires that the parking spaces shall be at least 10' x 20'. Garage spaces shall be measured from the exterior dimensions. Clarification required.  A waiver has been drafted for guest parking dimensional standards. See discussion.
<a href="#">8-4D-4 Parking Use Standards</a>	No compliance issues noted	On-street parking is not permitted along this section of N. Adams Street. The application does not propose on-street parking.
<a href="#">8-4D-5 Required Number of Off-</a>	Not Determined	This application was submitted prior to the new parking code ordinance.

<a href="#">Street Parking Spaces</a>	Waiver Requested	Dwelling, Single-Family Attached	Total Required Parking	Required Within an Enclosed Garage
		1 bedroom	2 * 2 Units= 4	1* 2 Units= 2
		More than 1 bedroom	2* 7 Units= 14	2* 7 Units= 14
		For developments with more than 2 dwelling units there shall be 0.5 additional spaces/unit provided for guest parking.		
Residential Units: Required Parking Spaces:18 Provided: 32				
Required Enclosed Spaces:16 Enclosed Provided: 16				
Guest Parking Required: 9*0.5=5 (rounded up) Guest parking provided: 14				
There is one bicycle space required for every 6 dwelling units. 2 bicycle parking spaces are required (rounded up)				
<i>*Waiver requested to allow for driveways to act as guest parking spaces. Waiver has been drafted in the decision document. If the waiver is not permitted, then the site lacks all required guest spaces.</i>				
<i>**Additional waiver drafted to allow for compact size guest parking spaces of 8'w x 15'l.</i>				
<a href="#">8-4D-6 Standards for Alternatives to On Site Parking</a>	No compliance issues noted	None proposed.		
<b>8-4E Transportation and Connectivity Provisions</b>				
<a href="#">8-4E-3 Public Street Connections</a>	Complaint as Conditioned	Public street connection at N. Adams Street for a common driveway to access all buildable lots.		
		There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.		
<a href="#">8-4E-4 Internal Circulation Standards</a>	No compliance issues noted	The drive is 20' or greater in width, proposed at 26' wide for fire access.		
<a href="#">8-4E-5 Private Street Standards</a>	May not be complaint	Staff is unsure if the road proposed is to be a private road. Confirmation is required.		
		Due to the number of units proposed, Ada County will likely require the road to be named.		
<a href="#">8-4E-6 Sidewalk Standards</a>	No compliance issues noted	There is an existing 7-foot-wide attached sidewalk along N. Adams Street that is to remain.		
<b>8-4F Sign Provisions</b>				
<a href="#">8-4G Sustainable Development Provisions</a>	Compliant as conditioned	Sustainability Checklist not submitted. The application is required to provide for at least 6 points from the checklist.		

<a href="#">8-4H Flood Hazard</a>	Compliant as conditioned	The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.
<b>8-4I Landscaping and Tree Protection Provisions</b>		
<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>	May not be compliant	Not enough information to review.
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	Not Compliant	<p><b>Not enough information to review.</b></p> <p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Landscape area required: 980sqft Landscape are proposed: <b>Not enough information to review</b></p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted. Trees required: Trees provided: Shrubs required: Shrubs provided: <b>Not enough information provided.</b></p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>N. Adams Street (100 LF) Trees required: 3 trees N. Adams Street Trees provided: 3 trees</p> <p>The front landscape buffer adjacent to Adams Street is 10' in width.</p>
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	No compliance issues noted	<p>Perimeter landscaping is required along the common property line between an adjacent nonresidential use and a residential use. Thus, perimeter landscaping is required along the northern property boundary line.</p> <p>5' wide perimeter landscaping has been provided.</p>
<a href="#">8-4I-7 Tree Preservation Provisions</a>	Not Compliant	<p>Trees were removed from the site prior to the arborist report being conducted and submitted for the record. Based on the Outdoor Solution's tree removal analysis, approximately 43" calipers were removed from the site. It is policy that 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. Therefore, 43 caliper inches is required to be mitigated for.</p> <p>The submitted plans do not indicate how many caliper inches are proposed on site.</p>
<b>8-4L Open Space Provisions</b>		

<a href="#">8-4L-3 General Open Space Standards</a>	No compliance issues noted	The common open space area is located and designed to serve as a passive or recreational function.
<a href="#">8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments</a>	Not Determined	<p>At least 10% of the site shall be dedicated to common open space in accordance with code.</p> <p>The development increased from 7 units to 9 units at the expense of common open space. Plans indicate that 3,015sqft is dedicated to common open space when 1,982sqft is required.</p> <p>The common open space provided doesn't exactly meet codes required open space descriptions, it might however, meet the intent of what code is requiring. For example, code states that open grassy areas of at least forty feet by ten feet (40' x 10') in area can count towards the requirement. The subdivision has proposed a 10' x 198' landscaped pedestrian path along the eastern property boundary line.</p> <p>Additionally, code states that any open space, not less than four hundred (400) square feet in area, and with a minimum length and width dimension of twenty feet (20') that is active or passive in its intended use, and accessible by all residents of the development can count towards required open space. The development provides a 17' x 61' open area with pedestrian pathway. While it meets the 400sqft requirement, it does not meet the dimensional requirement of 20' x 20'.</p> <p>A waiver can be granted, however, none was requested.</p>
<b><a href="#">Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</a></b>		
8-5A-4 General Standards	No compliance issues noted	<p>See discussions on Design Review 8-4 B&amp;C; Driveways 8-4-E; Floodplain 8-4H; Landscaping 8-4-I; Open Space 8-4-L; Parking 8-4-D; Planned Unit Development 8-6B; Private Streets 8-4-E; Sidewalks 8-4-E; Street design and development standards 8-4-G; Sustainable development provisions 8-4-G; Utilities 8-4-A; Zoning Provisions 8-2-B</p> <p>There are general conditions of approval that the application must be in conformance with the requirements of Garden City Code Erosion Control 4-15; Public water and sewer systems Title 6; Storm drainage and discharge control 4-14 prior to the approval of the subdivision.</p>
8-5A-6 Improvement Standards	No compliance issues Noted	<p>A subsequent application will be required for staff approval to ensure that the proposed improvements meet code standards and policies for storm drainage, water, sewer, utilities, and monuments and are otherwise in conformance with this approval.</p> <p>Street improvements are not necessary.</p> <p>There is a streetlight located at N. Adams Street adjacent to the proposed project.</p>
<b><a href="#">8-5C-4 Subdivisions located within a Floodplain</a></b>		
8-5C-4 Subdivisions located within a Floodplain	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	There are proposed conditions coinciding with provisions found within code section.

<b>Title 8, Chapter 6, Article A: Administration</b>		
<a href="#">8-6A-3 General Application Process</a>	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<a href="#">8-6A-4 Required Application Information</a>	No concerns noted	
<a href="#">8-6A-7 Public Hearing Process</a>	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.
<a href="#">8-6B-7 Planned Unit Development</a>	May not be compliant	<p>Application waivers requested pursuant to 8-6B-7:</p> <ol style="list-style-type: none"> <li>1. More than four units on a drive;</li> <li>2. Reduction of setbacks: <ol style="list-style-type: none"> <li>a. Allowing for a 0' side yard setback on lots 6 &amp; 7;</li> <li>b. Allowing for a 5'/10' front yard setback on lot 1;</li> </ol> </li> <li>3. Guest Parking to be in driveways; <ol style="list-style-type: none"> <li>a. Guest parking dimensions requested to be 8' x 15'</li> </ol> </li> </ol> <p>There shall be significant discussion whether the application provides adequate diversity of housing to qualify for the planned unit development, and if the common open space meets the intent of what PUD code requires. PUD code requires that common open space shall abut upon common space or similar areas of adjacent properties.</p>

<b>Other Items Reviewed</b>	
<b>Plan/Policy</b>	<b>Discussion/ Analysis</b>
<a href="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> <li>a) Main Street Corridor</li> <li>b) Mixed Use Residential</li> </ol> <p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.</p> <p><b>MIXED USE RESIDENTIAL:</b> The mixed-use residential area is north of Adams/ Alworth Street. This designation allows for residential and commercial uses in a form and scale that is residential in character and design. A mix of residential; small scale office and retail; and public and semi-public uses are appropriate in this district. Regulations for this area should focus on form more than use, with a maximum height of two stories.</p> <p><b>MAIN STREET CORRIDOR:</b> Create a "Main Street" corridor as a principle street with a mix and concentration of uses along Adams/ Alworth Street with a possible alignment through a redeveloped Idaho Expo site</p>



	<p>connecting with the Activity Node at Glenwood and Marigold Streets. The corridor should have activity nodes along the street that connect the main street to the arterial roadways and/or the Boise River. The activity nodes should be limited so as to not dilute their function as a center. The focus of development should be on minimum front yard setbacks, parking on the street and behind buildings, and pedestrian amenities. The center of the activity nodes on the Main Street corridor should be integrated vertically with more height at the principle main street intersection of the node.</p> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> <li>a. 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li>a. 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li>b. 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> <li>a. 4.1 Objective: Beautify and landscape.</li> <li>b. 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> <li>c. 4.3.1 Objective: Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites.</li> </ul> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> <li>a. 7.1. Objective: Create pedestrian and bicycle friendly connections.</li> <li>b. 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul> <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li>a. 2.1 Objective: Encourage new and distinctive neighborhoods.</li> <li>b. 2.1.2 Objective: Encourage high quality design and landscaping, including the use of water features, in new development.</li> <li>c. Amend the Land Use Code to expand planned unit development (PUD) requirements to all sizes of parcels through a design review process. Amend the PUD standards to encourage a variety of housing, including well-designed smaller units; flexibility in setbacks and parking requirements to meet the needs of specific dwellings; and requirements for pedestrian amenities, including parks, open spaces and pathways.</li> </ul> <p>Goal 6. Diversity in Housing</p> <ul style="list-style-type: none"> <li>a. 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing.</li> <li>b. 6.3 Objective: Maintain the diversity of housing.</li> <li>c. 6.3.1 Objective: Provide for a variety of housing types in the Land Use Code including smaller cottage and second housing units. Allow for housing that attract niche markets such as senior housing, live-work structures, and cooperative housing.</li> <li>d. 6.3.2. Objective: Continue to explore opportunities that encourage mixed income housing in new developments.</li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	No comment.
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along N. Adams Street in accordance with the policy.

## DECISION PROCESS

### **General Provisions**

A formal application will be processed per [GCC 8-6A-5 Administrative with Notice](#).

**Required Decisions:** The following decision processes are required for the project as governed by [GCC Table 8-6A-1](#). The Planning Official and City Council have decision authority once a Design Review Consultation has occurred.

### **Decision**

Pursuant to GCC 8-6A-5, staff shall take one of several actions:

- a. Intent to approve as submitted;
- b. Intent to approve with changes;
- c. Request changes and resubmittal;
- d. Recommend denial; or
- e. Recommend public hearing.

Once the decision is rendered it will be sent to the applicant and interested parties. If the determination is a recommendation for a public hearing or if a person with standing objects, a hearing with City Council or Planning and Zoning Commission will be scheduled.

### **Appeals of Decision:**

Per Garden City Code [8-6A-5 Administrative Process with Notice](#), there is a 15-day period to file a written objection to the application. The objection shall be made on the appeal submittal form and must be accompanied by the appeal fee. This period starts from the signed decision date. If a written objection is received within the 15-day period, a City Council hearing will be scheduled to decide the application. Verbal objections will not be accepted. Written objections received after the 15-day objection period will not be accepted.

When a design review consultation is required as part of an application that requires a public hearing, public testimony regarding design will be heard by the planning and zoning commission at the planning and zoning commission's scheduled hearing.

## REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION

### **Required Findings**

In order to approve a design review application after a recommendation by the design review consultant(s), the decision maker shall make a determination with written reasoned statements on the following findings:

GCC 8-6B-3_Required Findings	Determination	Reasoned Statements
1. The proposed design shall comply with all design standards in Garden City Code, Title 8.	Not Determined:	TBD: This will be completed in conjunction with the formal decision
2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.	This will be completed in conjunction with the	

<p>3. The proposed design shall be compatible with or improve the public’s use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise river and waterways, canals, and other surface irrigation.</p> <p>4. The proposed design shall be compatible with the neighborhood in scale and intensity.</p> <p>5. The proposed design shall not create an adverse impact on the surrounding neighborhood.</p> <p>6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood.</p> <p>7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions; and</p> <p>8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.</p>	<p>formal decision</p>	
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The Planning Official reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application **meets** the standards of approval under **GCC 8-6B-3 Design Review**.

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning Official hereby **TBD** the application, subject to the following conditions:

**IN APPROVAL**

**Site Specific Requirements:  
Prior to City Signature on Plat:**

- 4. The final plat shall be in conformance with this approval as reviewed and approved or otherwise conditioned through this approval.

5. Common driveways, open space, and other common areas shall be included in an easement or on a common lot noted as unbuildable.
6. 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."
7. 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.
    - v. Cross-Access easement for pedestrian pathway.
    - vi. Cross-access easement granting permission to the adjacent subdivision located at 405 E. 47<sup>th</sup> Street.
    - vii. Common Lot/ Open Space easement on lots 6 and 7 to benefit the Homeowners Association.
8. 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)
    - ii. Lots 6 & 7:
      1. Side Yard Setback: 0'
9. Common Lot:
  - 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 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.

10. 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 between lot 1 and the area dedicated to the pedestrian pathway.
- b. Lots 2-5 & 8-9:
  - i. Front Setback shall be considered the area between the residential lots and area dedicated to the pedestrian pathway.
- c. Lots 6 & 7:
  - i. Side Yard Setback shall be considered the property line adjacent to common lot 5.

- 11. A building envelope within which future building footprints will be located shall be shown on the lots.
- 12. A binding contract that establishes the party or parties responsible for the repair and maintenance of the common lot including regulations for the funding shall be recorded with a final plat. No building permit shall be issued until the contract has been recorded.
- 13. 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 8-4I 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 two 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.

**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 space 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 9 lots – 7 lots are to be designated for residential use, and 2 lots are to be designated as common lots.
2. This approval is based on the following plans:
  - a. Landscape Plan Submitted on Submitted June 8, 2023, dated May 23, 2023;
  - b. Architectural Elevation Plans and Floor Plans submitted on June 8, 2023, dated May 12, 2022;
  - c. Site Plan Submitted July 7, 2023, dated April 2023;
  - d. Common open space plans submitted on July 7, 2023, dated April 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
    - ii. Allowing for a 0' side yard setback on lots 6 & 7;
  - c. Guest Parking to be in driveways;
    - i. Guest parking dimensions permitted to be 8' x 15'
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 two (2) years 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 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.
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.

### **IN DENIAL**

1. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
2. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
3. 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.

July 24, 2023

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Development Service Staff

Date

## **IMAGES**