

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

THIS IS NOT A PREDETERMINED DECISION. ALL EVIDENCE WILL BE CONSIDERED. A DIFFERENT DECISION MAY RESULT IN AN UPDATE OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, OR CONDITIONS.

In the Matter of:)	SUBFY2019-1
)	Blue Herron Subdivision
)	
Final Plat Subdivision)	FINDINGS OF FACT
3857 N. Reed Street)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER, came before the Garden City Council for consideration on May 10, 2021. The Garden City Council reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The application is for a Final Subdivision of SUBFY2019-1 Blue Heron Subdivision.
2. The applicant is Todd Campbell Construction Inc.
3. The property owner of record is Todd Campbell Construction Inc.
4. The location of the project is 3857 N. Reed Street, Garden City, ID 83714; Parcel #0646, portion of lot 4 block 13 Fairview Acres #3 and portion of lot 1 Fairview Acres #7, and parcel #0044 portion of lot 4 block 13 Fairview Acres #3: Ada County Parcels R2734520646 and R2734520044.
5. The subject property is 0.69 acres.
6. The applicant has requested a residential density of 17.29 dwelling units per acre.
7. The project is in the R-3 Medium Density Residential Zoning District.
8. The project is located in the Mixed Use Residential Designation of the Comprehensive Plan Future Land Use Map.
9. The project is located in the floodplain according to the 2003 FIRM.
10. The project is located in the floodplain according to the 2017 FIS.

- 11. The preliminary plat was approved by City Council on March 11, 2019.
- 12. A one-year extension for the preliminary plat was granted by City Council on January 22, 2020.
- 13. A secondary one-year extension of the preliminary plat was granted by the City Council on February 8, 2021.
- 14. The following section of the Garden City Development Code apply to this proposal:
 - a. Garden City Code 8-5B-3: Final Subdivision Process Land Division Regulations
 - b. Garden City Code 8-6A Administration
- 15. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived	
X			Preliminary Title Report
X			Subdivision Map
X			Topographic Survey
X			Grading Plan
X			Soils Report
	X		Hydrology Report
	X		Engineering Plans and Specifications
X			Dedications and Easements
	X		Covenants and Deed Restrictions
	X		Approved Addresses

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

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

Noticing Requirement	Required Date	Completion Date
Letter of Acceptance	April 14, 2021	March 23, 2021
Radius Notice	April 25, 2021	March 23, 2021
Agency Notice	April 25, 2021	March 23, 2021
Legal Advertisement	April 25, 2021	March 19, 2021
Property Posting Sign	April 30, 2021	March 23, 2021
Affidavit of Property Posting and Photos	May 3, 2021	April 26, 2021

- 2. On May 10, 2021, a public hearing before the Garden City Council was held:
 - a. This section will be completed after the hearing.

3. The record contains:
 - b. Application
 - c. Agency Comments
 - d. Public Comments
 - e. Noticing Documents
 - f. Staff Report
 - g. Hearing Minutes and Audio
 - h. Signed Findings of Fact, Conclusions of Law and Decision

4. In consideration of a final subdivision the planning official or designee has found the final subdivision in substantial compliance with the preliminary subdivision approval standards:

GCC 8-5B-3: FINAL SUBDIVISION PROCESS			
Conclusion			Standard and Explanation
Compliant	Not Compliant	Not Applicable to this Application	
X			Finding: The number of buildable lots is the same or fewer Explanation: The number of buildable lots is the same as the approved preliminary plat.
X			Finding: The amount of common open space is increased Explanation: There has been no change to the amount of common space.
X			Finding: The amount of open space is relocated with no reduction in the total amount Explanation: There has been no change to the open space.
X			Finding: The number of open space lots has been increased Explanation: The number of lots are consistent with what was approved.
X			Finding: The transportation authority has required minor changes

			Explanation: The transportation has not required any changes that warrant a re-review of the application.
X			<p>Finding: The general configuration has changed by less than ten percent (10%)</p> <p>Explanation: The configuration has not changed by more than 10%.</p>
X			<p>Finding: The planning official or designee has determined there is a substantial difference in the final subdivision than that which was approved as a preliminary subdivision or that the conditions have not been met.</p> <p>Explanation: There final subdivision proposal is consistent with the preliminary plat approval, and the preliminary subdivision conditions of approval are still required of the application.</p>
X			Finding: There has been no denial of any application on this property within one year.

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

CONCLUSIONS OF LAW

The Garden City Council reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies/does not satisfy** the required findings under GCC 8-5B-3.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Decision, the Garden City Council hereby **APPROVES/DENIES** application SUBFY2019-1 for a Final Plat Subdivision subject to the following conditions:

POTENTIAL CONDITIONS FOR APPROVAL DECISION

Subdivision Specific Requirements:

- All conditions noted in the City Council approval dated March 11, 2019 must be adhered to.

2. The final plat shall be in conformance with Garden City Code 8-5C-4 and 8-4I-5(B)(11)
3. Each final subdivision approval shall indicate the acceptance of the infrastructure, the timing of the construction and completion for all improvements and any required amenities associated with the subdivision.
4. Covenants and Deed Restrictions must be submitted, reviewed, and approved prior to signature of the final plat Mylar.
5. The Hydrology Report, Topographic Survey, Engineering Plan and Specifications must be submitted prior to the Engineer's signature of the final plat unless the acting City Engineer waives the requirements.

General Requirements:

1. Ada County approved addresses cannot be obtained until after recordation of the plat. The Ada County approved addresses must be submitted to the City prior to any building permit or completion of the subdivision requirements.
2. Upon approval or approval with conditions by the council and signature of the city engineer, the applicant may submit the final subdivision to the Ada County recorder for recording. The final subdivision shall contain the certifications required under Idaho Code section 50-1301 et seq., as well as those required by the city.
3. The approval is specific to the application provided and reviewed.
4. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained.
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. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho".
8. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
9. Easements must either be on the plat or provided in a recordable document that includes a legal description and illustration.
10. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
11. The property owner is responsible for the maintenance of all landscaping and screening devices required.
12. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.
13. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.

14. 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.
15. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
16. 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.
17. 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.
18. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
19. 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.
20. 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.
21. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
22. The landscape installation shall stabilize all soil and slopes.
23. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
24. System Installation Required: Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
25. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to final plat signature.
26. The property owner is responsible for the maintenance of all landscaping and screening devices required.
27. All outdoor living spaces must comply with Garden City Cod 8-3C General Provisions- Living Space Requirements.
28. All outdoor service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
29. All stormwater systems must comply with Garden City Code 8-4A-7.
30. 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.
31. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the City Engineer. Total easement width shall not be less than ten feet (10'), with twelve

- feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
32. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City.
 33. 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.
 34. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction and recordation of the final plat. Any changes to the plans and specifications upon which this approval is based, other than those required by the conditions noted in this decision, will require submittal of an application for modification and approval of that application prior to commencing any change. Final approval is based on substantial conformance with the plans reviewed and approved.
 35. Any substantial changes to the design shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
 36. 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.
 37. 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.
 38. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code.
 39. Approval shall become null and void if the applicant fails to record the plat 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.
 40. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
 41. 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.
 42. A takings analysis pursuant to Idaho Code may be requested on final decisions.
 43. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected

thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

Mayor, John G. Evans

Date

STANDARD CONDITIONS FOR DENIAL DECISION

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

Mayor, John G. Evans

Date