

## DEVELOPMENT SERVICES DEPARTMENT

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### PLANNING OFFICIAL REPORT

File Number: MLDFY2024 - 0001

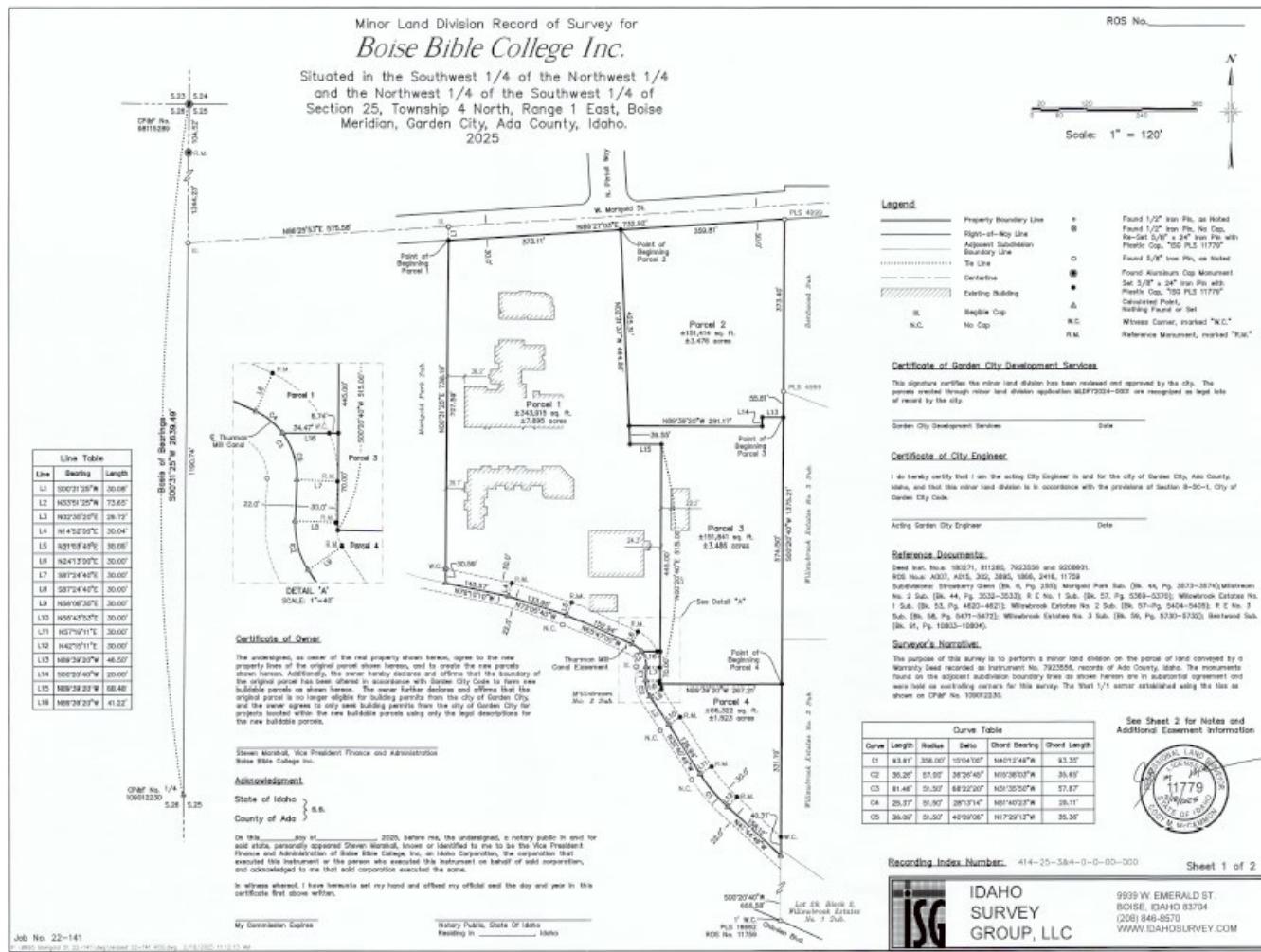
**Review Status: APPROVED AS CONDITIONED**

**Plan Review Number: 3**

**Reviewer: Hanna Veal**

**Date: August 26, 2025**

**Applicant: John Rennison and Zach Turner**



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## RECORD DOCUMENTS

### Application Materials:

1. MLDFY2024-0001 Application Materials, [April 25, 2024](#)
  - a. Land Division form
  - b. Copy a title report dated 29 January 2024 showing title in the name of Boise Bible College, Inc., an Idaho corporation
  - c. Four land descriptions signed by Cody M. McCammon, PLS and dated 25 April 2024
  - d. Record of Survey – Minor Land Division signed by Cody M. McCammon, PLS and dated 25 April 2024
2. MLDFY2024-0001 Resubmittals, [June 25, 2024](#)
  - a. Comment response letter from Zachary Turner dated 24 June 2024
  - b. Revised Record of Survey – Minor Land Division signed by Cody M. McCammon, PLS, sheet one dated 24 June 2024 and sheet two dated 23 June 2024
3. MLDFY2024-0001 Resubmittals [December 12, 2024](#)
  - a. Comment response letter from Zachary Turner dated 12 December 2024
  - b. Revised Record of Survey – Minor Land Division signed by Cody M. McCammon, PLS, sheet one dated 4 April 2024 and sheet two was not signed nor dated
  - c. Drafted Reciprocal Maintenance and Use Agreement
  - d. Drafted Pathway Easement
4. MLDFY2024-0001 Resubmittals [February 18](#) and [February 19, 2025](#)
  - a. Comment response letter from Zachary Turner dated February 4, 2025
  - b. Revised Record of Survey – Minor Land Division signed by Cody M. McCammon, PLS, sheet one and two dated February 18, 2025
  - c. Revised parcel description for Parcel 3 signed by Cody M. McCammon, PLS, dated February 18, 2025
  - d. Revised parcel description for Parcel 4 signed by Cody M. McCammon, PLS, dated February 18, 2025
  - e. Neighborhood meeting affidavit, envelopes, letter, meeting sign-in, photo of property posting and location map
5. Agency Comments
6. Public Comments
7. Noticing Documents
  - a. City Noticing, [May 9, 2024](#)
  - b. Neighborhood Meeting: [June 20, 2024](#)
  - c. Neighborhood Meeting Re-Do: [February 13, 2025](#)
8. Planning Official Report and Potential Decision

## SITE INFORMATION

- 1) Owner: BOISE BIBLE COLLEGE INC
- 2) Street Address: 8695 W Marigold St.
- 3) Ada County Tax Parcel Number(s): S0525233602
- 4) Property Description: PAR #3602 OF W2NW4 SEC 25 4N 1E #233600-B #7923556
- 5) Legal Lot of Record: Yes
- 6) Property Size: 16.320 acres
- 7) Zoning District: R-3 Medium density residential
- 8) Comprehensive Plan Land Use Map Designation: Residential Medium Density

- 9)** The project is in the:
- Outside of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
  - Outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 10)** Adjacent Uses: \*
- Dwelling unit, single family attached
  - Dwelling unit, single family detached
- 11)** Existing Use: School
- 12)** Easements on site:
- BBC - WATER AND SEWER EASEMENT
- 13)** Site Access:
- Front: W. Marigold St
- 14)** Sidewalks: Sidewalks are installed and are in good repair
- 15)** Wetlands on site: None identified

## PROJECT INFORMATION

- 1)** Proposed development:
- The request is to divide the existing parcel into four new parcels via a minor land division.
  - The intent is to construct multi-family dwelling units on Parcels 2 and 3 at a future date. This application does not request the approval of multi-family dwelling units, or any other improvements associated with the future proposal. Further permits will be required for the approval of such a proposal.
- 2)** Noticing was completed on: June 3, 2024<sup>1</sup>
- 3)** The neighborhood meeting was held on: June 20, 2024 & February 13, 2025

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Republic Services <a href="#">Link to Comment</a>	05/08/2024	Is this just a notice of rezoning? We could not find any pertinent plans.
DEQ <a href="#">Link to Comment</a>	05/28/2024	General comments provided
Garden City Engineer <a href="#">Link to Comment #1</a> <a href="#">Link to Comment #2</a> <a href="#">Link to Comment #3</a> <a href="#">Link to Comment #4</a>	05/18/2024	Comments Pending
	08/27/2024	Comments 1, 3, 5, & 7 Pending
	12/28/2024	Comments 3 & 5 Pending
	02/12/2025	Comment 5 & 8 Pending

<sup>1</sup> The original neighborhood meeting 300' radius notice was incorrect. The city has corrected the inaccurate list, and the applicant is to hold an additional neighborhood meeting to rectify the error.

## PUBLIC COMMENT

### Disclaimer:

Many of the public comments received in association with application MLDFY2024-0001 pertain to concerns about proposed new multifamily structures. These concerns are more directly related to a separate application, DSRFY2025-0008, which addresses the design and development of those buildings. As such, while the feedback reflects community sentiment about the broader project, much of it is not directly relevant to the scope of the minor land division application currently under review.

### General Summary:

The City received a significant number of public comments regarding the proposed minor land division. While the comments varied in tone and content, the majority expressed opposition to the overall development concept, particularly the associated multifamily residential buildings.

Comments frequently cited concerns about increased traffic congestion and the potential impact on emergency access routes. Many felt that the proposed four-story buildings were out of scale with the surrounding single-story residential neighborhoods and would negatively affect the character, privacy, and aesthetics of the area.

Environmental concerns were also raised, including the potential removal of mature trees and disruption to local wildlife habitats. Several comments expressed fears of declining property values and questioned whether the project aligns with the Garden City Comprehensive Plan and Code.

A smaller number of comments expressed support for the development, noting the potential benefits of increased housing availability and economic activity. However, even among supporters, there was a consistent recommendation to reduce the building height to better align with the existing neighborhood context.

In summary, while the majority of comments reflect opposition to the broader development concept, it is important to note that many of these concerns fall outside the scope of the MLDFY2024-0001 application and are more appropriately addressed under DSRFY2025-0008.

## CODE AND POLICY REVIEW

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

Garden City Title 8 Applicable Code Sections		
Code Section	Compliance	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>		
<a href="#"><u>8-1A-4 Applicability</u></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="#"><u>8-1B-1 Nonconforming Properties</u></a>	No compliance issues noted	Legal parcel of record as described.

<u>8-1B-2 Nonconforming Structures</u>	No compliance issues noted	<p>The trailer adjacent to Building D encroaches upon the side setback of Parcels 1 &amp; 3, this is not code compliant. Will the trailer be removed?</p> <p>The storage shed structure between Parcel 1 &amp; 3 is crossing proposed property boundary lines. This is not code compliant. Removal or relocation of shed will be required prior to signature of the record of survey. What is the plan with this storage shed?</p> <p><b>The shed has been demolished, the trailer has been relocated, and the ROS has been updated to indicate the changes. Exhibit A &amp; B.</b></p>
<u>8-1B-3 Nonconforming Uses</u>	No compliance issues noted	There is an existing active conditional use permit associated with the Boise Bible College on file.
<u>8-1C-3 Property Maintenance Standards</u>	No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.
<b>Title 8, Chapter 2: Base Zoning District Regulations Required by 8-5A-4</b>		
8-2B-1 Purpose	No compliance issues noted	<p>The purpose of the four (4) residential districts is to provide a full range of housing products within the city in areas that are exclusively for residential uses. The four (4) districts are contrasted by the density and housing products that are allowed within each district.</p> <p>The R-3 zoning district allows for Single-family, two-family and multiple-family dwelling units with a 35du/acre maximum density.</p>
<u>8-2B-2 Allowed Uses</u>	No compliance issues noted	<p>Garden City Code 8-2B-2 allowed uses within the R-3 zoning district are applicable to the property.</p> <p>Existing conditional use permit on file for the use of a "church/educational". Existing Boise Bible College to remain.</p> <p>The MLD application does not specifically propose the use of multi-family dwelling units, however, conversations between the owner, development team, and the city have taken place regarding the future proposed use. Multi-family dwellings are a permitted use within the R-3 zoning district.</p>
<u>8-2B-3 Form Standards</u>	No compliance issues noted	<p>The required setbacks are:</p> <p>Front: 5'/20'</p> <p>Interior Side: 0'/5'</p> <p>Rear: 15'</p> <p>Street side: 5'</p> <p>The allowable maximum height is: n/a</p> <p>The minimum lot size is: n/a</p> <p>There are no encroachments. See GCC 8-1B-2 analysis. <b>Previous trailer and shed encroachment issues have been resolved.</b></p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>		
<u>8-4A-3 Fences and Walls</u>	No compliance issues noted	<p>The ALTA Survey shows existing fences on and adjacent to the property. Details such as height and material of the fence(s) are not given.</p> <p>There are multiple existing fences that encroach upon the property as shown in the survey provided. These fences constitute as legal nonconforming fences and may remain so long as the property does not undergo significant site improvements. It is possible that removal of the fences will be required</p>

		<p>once significant improvements are proposed on any of the parcels involved in this MLD.</p> <p>Significant improvement is defined as "Any repair, reconstruction or improvement to property the cost of which equals or exceeds twenty five percent (25%) of the tax assessed value either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, significant improvement is the value of all combined improvements within a five (5) year time frame."</p> <p>Any future fence or wall will be required to be in compliance with code at the time of development.</p>
<a href="#"><u>8-4A-4 Outdoor Lighting</u></a>	No compliance issues noted	<p>This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development.</p>
<a href="#"><u>8-4A-5 Outdoor Service and Equipment Areas</u></a>	Compliant as Conditioned	<p>Existing trash enclosure to remain on Parcel 1 adjacent to Building C. It appears to meet code standards and is out of view from the right-of-way.</p> <p>The existing power transformer or utility box adjacent to W. Marigold is visible from the public right-of-way. This is not compliant and will need to be screened from view either via a privacy fence or landscape screening prior to the city signing the survey.</p> <p>Any future outdoor service equipment area will be required to be in compliance with code at the time of development.</p>
<a href="#"><u>8-4A-7 Stormwater Systems</u></a>	No compliance issues noted	<p>This proposal does not propose any new stormwater systems. Existing will remain. Any future stormwater systems shall be built in compliance with provisions of 8-4A-7.</p>
<a href="#"><u>8-4A-8 Utilities</u></a>	Compliant as Conditioned	<p>Refer to City Engineer's comments. <b>All comments from the City Engineer regarding water and sewer services must be fully addressed and resolved prior to the City signing the survey associated with this Minor Land Division application.</b> Parcels 1 and 3 currently contain existing buildings that are served by accessible water and sewer connections, and the MLD application does not propose any new buildings at this time. However, prior to the issuance of building permits for any future development on any of the parcels, the developer will be required to design and install water and sewer connections that are appropriately scaled to meet the needs of the proposed buildings.</p> <p><b>In accordance with City Code, utility improvements must be installed before the City can sign the survey. Alternatively, the property owner may enter into a Restricted Build Agreement with the City, which will be recorded and noted on the survey, or may provide a surety bond to guarantee the future installation of the required utility infrastructure.</b></p>
<a href="#"><u>8-4A-9 Waterways</u></a>	No compliance issues noted	<p>There is an existing Thurman Mill Canal along the southern property boundary line, and an existing Drainage District No. 2 canal along the northeastern property boundary line.</p> <p>All waterways shall remain as a natural amenity and shall not be piped or otherwise covered. Irrigation ditches, laterals, canals, and drains shall be left open and used as a water amenity or linear open space. The application does not propose altering either canal.</p>
<a href="#"><u>8-4B Design Provisions for Residential Structures</u></a> Required by 8-5A-4		

<a href="#"><u>8-4B-4 Multi-family Residential Dwelling Units</u></a>	No compliance issues noted	The MLD does not propose any new use or construction. A design review consultation or other permitting review process will be required for any new development.
<b>8-4C Design Provisions for Nonresidential Structures</b> Required by 8-5A-4		
<a href="#"><u>8-4C-3 Design Provisions for Nonresidential Structures</u></a>	No compliance issues noted	The MLD does not propose any new use or construction. The proposal does not include any interior or exterior changes to the existing structures.  The MLD application is compliant as conditioned, requiring any future development to obtain a Design Review approval, or other permits necessary at the time of development.
<a href="#"><u>8-4C-5 Prohibitions</u></a>	No compliance issues noted	There are no visible false fronts, prefabricated structures visible from the right-of-way, or prohibited materials proposed with this application.
<b>8-4D Parking and Off-Street Loading Provisions</b> Required 8-5A-4		
<a href="#"><u>8-4D-3 Parking Design and Improvement Standards</u></a>	Not Applicable	The provisions of this article shall not apply to any existing building or structure as the application does not include any new construction, alteration, or moving of a structure, nor does it include a new or more intense use of the property.  Parking associated with the new development will be reviewed in association with the code and future required permit applications.
<a href="#"><u>8-4D-4 Parking Use Standards</u></a>	Not Applicable	
<a href="#"><u>8-4D-5 Required Number of Off-Street Parking Spaces</u></a>	Not Applicable	
<a href="#"><u>8-4D-6 Standards for Equivalent Parking Adjustments</u></a>	Not Applicable	
<a href="#"><u>8-4D-7 Off Street Loading Standards</u></a>	Not Applicable	
<b>8-4E Transportation and Connectivity Provisions</b>		
<a href="#"><u>8-4E-3 Public Street Connections</u></a>	Compliant as Conditioned	Each new parcel within the development shall have access to a public street. The response letter indicates cross access easements will be created. Please provide copies of the proposed easements for review. Please note the city will not sign or finally approve the Record of Survey until the agreements are in place or ready to be in place. Parcel C (3) and D (4) are land locked without access to Marigold.  <b>Resolved. A reciprocal maintenance and use agreement (RMUA) was created allowing access to the public street, refer to Exhibit B. The agreement shall be recorded.</b>
<a href="#"><u>8-4E-4 Internal Circulation Standards</u></a>	No compliance issues noted	The application proposes utilizing the existing roads. These roads are shown on the ROS submitted, however, the width of the roadways are not shown. Please show compliance with Garden City Code 8-4E-4. Driveways, aisles, and turnaround areas, when required for fire and refuse access, shall be a minimum width of 20'. <b>Provided.</b>

<a href="#"><u>8-4E-5 Private Street Standards</u></a>	No compliance issues noted	Are there private streets on site? Google Maps shows the site as having N. Pintail Way on site, however submitted plans do not show identification. <b>Addressed.</b>
<a href="#"><u>8-4E-6 Sidewalk Standards</u></a>	No compliance issues noted	The existing sidewalk meets the provision. There is an existing attached sidewalk on W. Marigold adjacent to the property.
<a href="#"><u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u></a>	Compliant as Conditioned	<p>A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances. The site plans do not show a pedestrian pathway system linking the primary entrance of each building to an internal system that connects to the public sidewalk.</p> <p><b>The applicant has stated that paved surfaces connect the buildings to the existing sidewalk on Marigold. However, code requires that the pathways be concrete, pavers, brick, or other ornamental paving be used so long as it has a smooth finish. The pathways shall be a minimum of 4' wide, or a width appropriate for the function, as well as ADA compliant. The pathways shall be free from hazards, meaning separate in function and not within the drive isles unless for traversing common drives and parking lots.</b></p> <p><b>New plans shall be submitted showing the required improvements and installation of such improvements will be required prior to the city signing the survey. Alternatively, the property owner may enter into a Restricted Build Agreement with the City, which will be recorded and noted on the survey, or may provide a surety bond to guarantee future installation.</b></p> <p><b>A condition has been drafted requiring pathways be constructed in accordance with this section of code. Additional permits may be required for the construction.</b></p>
<a href="#"><u>8-4E-8 Transit Facilities</u></a>	No compliance issues noted	The MLD does not propose a transit facility. There is not an existing transit stop located adjacent to this site.
<b>8-4G Sustainable Development Provisions</b> Required by 8-5A-4		
<a href="#"><u>8-4G Sustainable Development Provisions</u></a>	No compliance issues noted	No action is required for the MLD; however, it will be required when future development is proposed.
<a href="#"><u>8-4H Flood Hazard</u></a>	No compliance issues noted	No action is required for the MLD; however, it will be required when future development is proposed.
<b>8-4I Landscaping and Tree Protection Provisions</b> Required 8-5A-4		
<a href="#"><u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u></a>	No compliance issues noted	<p>As an MLD, the application is required to meet current Garden City code standards.</p> <p>When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, perimeter landscaping, parking lot landscaping and other landscape guidelines) a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required as set forth in table 8-4I-1.</p> <p>Eastern Perimeter Landscaping Required (738LF): 50 (depending on tree species).</p> <p>Street Trees Required: 16</p> <p>Species required: 5</p>

		Species provided: 13
<a href="#"><u>8-4I-4 Landscaping Provisions for Specific Uses</u></a>	Compliant as Conditioned	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.</p> <p>Required landscaping: 35,676sqft</p> <p>Provided: 496,538sqft (per the initial landscape plan submitted on April 25, 2024).</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.</p> <p>Trees required: 36</p> <p>Trees provided: ~126</p> <p>Shrubs required: 238</p> <p>Shrubs provided: <b>Unknown. Review of this section of code is required as a minor land division application.</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 tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>Marigold Street Trees Required (732.92LF): 16</p> <p>Trees provided: 13 (<b>Deficient 3</b>)</p> <p><b>Revised plans must be submitted showing the required landscape improvements, and installation of these improvements will be required prior to the City signing the survey. Alternatively, the property owner may enter into a Restricted Build Agreement with the City, which will be recorded and noted on the survey, or may provide a surety bond to guarantee future installation.</b></p>
<a href="#"><u>8-4I-5 Perimeter Landscaping Provisions</u></a>	Compliant as conditioned	<p>Perimeter landscaping is required along the common property line between an adjacent nonresidential use and a residential use. Perimeter landscaping is required along the eastern and western property boundary lines.</p> <p><b>Landscape plans appear to show some areas containing perimeter landscaping along the western property boundary line. More information is required.</b></p> <p>There is no perimeter landscaping along the eastern property boundary line. However, Parcels 2, 3, &amp; 4 consist primarily of landscaping due to the nature of the use (sports fields) and thus meet the intent of perimeter landscaping by creating a visual barrier and buffer between the residential neighborhood and the school. However, based on the use being commercial, perimeter landscaping is still required.</p> <p>Perimeter landscaping will also be required along the eastern property boundary line if multi-family dwelling units are developed on Parcels 2, 3, &amp; 4.</p> <p>Perimeter landscaping is required to be a minimum of ten feet in width, measured from the property line inward, and must include the planting of at least one tree for every fifteen linear feet of perimeter length, or as appropriate for the selected tree species, to quickly establish continuous canopy coverage. <b>It does not appear that the eastern and western property boundaries currently meet this requirement, revised plans must be submitted showing the necessary improvements. Installation of these improvements will be required prior to the City signing the survey. Alternatively, the property owner may enter into a Restricted Build Agreement with the City, which will be recorded and noted on the</b></p>

		<b>survey, or may provide a surety bond to guarantee future installation of the required landscaping.</b>
<a href="#"><u>8-4I-6 Parking Lot Landscaping Provisions</u></a>	Not Applicable	The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.
<a href="#"><u>8-4I-7 Tree Preservation Provisions</u></a>	No compliance issues noted	No action is required for the MLD; however, it will be required when future development is proposed. No trees are proposed to be removed.
<b>8-4L Open Space Provisions</b>		
<a href="#"><u>8-4L-3 General Open Space Standards</u></a>	No compliance issues noted	No action is required for the MLD; however, it will be required when future development is proposed.
<a href="#"><u>8-4L-5 Open Space Standards for Multi-family Developments</u></a>	No compliance issues noted	No action is required for the MLD; however, it will be required when future development is proposed.
<b>Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</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-5 Design Standards	Compliant as conditioned	<p>Right-of-way dedication for pedestrian walkways and bicycle pathways are required along waterways.</p> <p>Every lot shall have access to a public street. The response letter indicates cross access easements will be created. Please provide copies of the proposed easements for review. Please note the city would not sign or finally approve the Record of Survey until the agreements are in place or ready to be in place. If Parcel 4 is not to be built upon, we still presume some access to the parcel is necessary.</p>
<b>Title 8, Chapter 6, Article A: Administration</b>		
<a href="#"><u>8-6A-3 General Application Process</u></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="#"><u>8-6A-4 Required Application Information</u></a>	N/A	<p>Application waivers requested pursuant to 8-6A-4A:</p> <ul style="list-style-type: none"> <li>- Schematic Drawings</li> <li>- Engineering Drawings and Specifications</li> <li>- CC&amp;Rs</li> <li>- Ability to Serve Letter</li> <li>- Locations, elevations, and materials of proposed signage or master plan</li> <li>- Lighting plan</li> <li>- Sketch Plat</li> </ul>

<u><a href="#">8-6A-5</a></u> <u><a href="#">Administrative</a></u> <u><a href="#">Process with</a></u> <u><a href="#">Notice</a></u>	No compliance issues noted	<p>The applicant provided a neighborhood meeting more than 15 days prior to a decision being rendered by the planning official.</p> <p>A notice was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>The applicant posted on the property in accordance with the timing, location, language, and dimensional requirements of the city found in section 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>
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Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
<a href="#">Garden City Comprehensive Plan</a>	<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>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> <li><b>RESIDENTIAL MEDIUM DENSITY:</b> The residential medium density designation is shown for the areas north of Chinden and west of Glenwood. This designation allows for detached and attached dwelling units including duplexes and townhouses.</li> </ol>
<a href="#">Garden City Sidewalk Policy</a>	Existing attached sidewalk to remain.
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along W. Marigold Street in accordance with the policy.
<a href="#">Garden City Transportation Needs List</a>	<p>Multiuse Path Waterways  Goal: Create multiuse paths along irrigation ditches and drainage ditches in Garden City, specifically Settlers and Thurman Mill.</p> <p>The Garden City Comprehensive Plan and the Original Old Town Network Plan speak of creating public pathways along canals and waterways. Additionally, COMPASS and other city municipalities in Ada County are starting to create this connection by providing public access easements along these waterways. To create the future connection along the Thurman Mill Canal, staff has conditioned that a public access easement is granted and shown on the survey. As the pathway will be a multi-model pathway system, the condition states "A minimum 16-foot-wide public access easement shall be granted along the southern property boundary line for the future pedestrian pathway along Thurman Mill Canal. The easement shall be wide enough to allow for a minimum 12-foot-wide pedestrian pathway with at least 2-foot clearance zones on each side. The easement shall be wide enough to allow for maintenance vehicles."</p> <p><b>A public access easement description and exhibit has been provided. An easement application submitted to the city is required for the recordation of this easement if not noted and depicted on the survey.</b></p>

## 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 the Planning Official has made their final review of MLDFY2024-0001.

### 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 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.

## REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION

### Required Findings

In order to approve a minor land division application the decision maker shall make a determination with written reasoned statements on the following findings:

<u>GCC 8-5C-6(C) Required Findings</u>	<u>Determination</u>	<u>Reasoned Statements</u>
1. No minor land division shall create more than four (4) new parcels.	Compliant	A total of four parcels are being created.
2. Single-family detached homes may not be built on parcels created through the minor land division process.	Compliant	No single-family detached homes are proposed as part of this application.
3. No property involved in a minor land division shall be involved in a subsequent minor land division for a period of one year from the recording date of the previous record of survey for a minor land division.	Compliant	This property has not been involved in a previous minor land division for a period of one year.

4. No new public street may be created.	Compliant	No new public street is created as a result of this application.
<p>5. Existing buildings to remain shall meet all applicable requirements established in this title.</p> <p>a. A setback that was legally nonconforming prior to the minor land division may remain as a legal nonconforming setback provided the legal nonconforming setback is not altered by the minor land division.</p> <p>b. Any building not meeting the required setback shall be either remodeled to meet the setback, demolished, or moved prior to the approval of the minor land division.</p> <p>c. If parking is provided by means of a permanent shared parking agreement, a note on the face of the survey must list the total required and provided parking for all parcels to which the shared parking agreement applies.</p> <p>d. When utilities cross land being divided a utility easement shall be provided and indicated on the record of survey. If an easement is located in a proposed permanent structure construction area, the easement shall be vacated prior to the planning official approval of the minor land division.</p> <p>e. If the street(s) adjacent to the parcel(s) have not been improved with a sidewalk, or all adopted street improvements, they must be installed.</p>	Compliant as conditioned	<p>The nonconforming setbacks will be rectified by the removal or relocation of the existing trailer and shed structures.</p> <p>Parcel 1 existing parking facilities will serve existing Parcel 1 buildings only. For the development of Parcels 2 and 3, parking will be addressed as part of the future application.</p> <p>There are no proposed permanent structures as a part of this application. Future proposed structures and utility modifications will be reviewed and approved by the City at the time of permit application and construction. The Developer at the time will be required to work with the City to modify or grant any new necessary easements.</p> <p>The only public right-of-way adjacent to the site is Marigold Street. Marigold Street has existing attached sidewalks. No new streets are proposed as a part of this application.</p>
6. Properties created through an approved minor land division shall be considered conforming property under provisions of Title 8.	Compliant as conditioned	As conditioned, the application is compliant with all required findings. The application is in conformance with the reviewed sections of code noted in this decision.

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 **GCCC 8-5C-6 Minor Land Division**.

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

## CONDITIONS OF APPROVAL

### Site Specific Requirements:

#### Scope of this permit:

1. This approval is for this application only.
2. The scope of this permit is to divide the existing parcel into four parcels via a minor land division.
3. The structures and site improvements as proposed in DSRFY2025-0008 are not a part of this approval. No site improvements, except for perimeter landscaping, shall be constructed until that application is approved and permits are issued.
4. Approval of this permit is contingent upon resolution of all outstanding issues related to adequate water and sewer service. The developer shall meet all City requirements for providing water and sewer connections to Parcels 1, 2, 3, and 4.

#### For Final City Approval and Survey Signature:

1. All comments from the City Engineer, including but not limited to the comments regarding water and sewer services, shall be fully addressed and resolved.
2. The Reciprocal Maintenance and Use Agreement and associated exhibits shall be recorded. A copy of the recorded agreement shall be submitted to the city.
3. An easement application shall be submitted to the City for any easements that are not shown on the survey. Easement applications shall be submitted for:
  - a. Pathway Easement - Public Access Easement along the Thurman Mill Canal
  - b. Cross Access Easement (if the RMUA is not recorded)
4. A minimum 16-foot-wide public access easement shall be granted along the southern property boundary line for a future pedestrian pathway along the Thurman Mill Canal.
  - a. The easement shall be wide enough to allow for a minimum 12-foot-wide pedestrian pathway with at least 2-foot clearance zones on each side.
  - b. The easement shall be wide enough to allow for maintenance vehicles.
5. The existing power transformer or utility box adjacent to W. Marigold visible from the public right-of-way shall be screened from view either via a privacy fence meeting GCC 8-4A standards, or via screening landscaping.
  - a. If screening landscaping is provided, then it shall consist of both evergreen and deciduous plantings.
  - b. If the utility box is an Idaho Power facility, then the screening landscaping shall meet Idaho Power's screening requirements.
6. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
  - a. If any trees are to be removed from the site, a tree mitigation plan must be submitted 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.

- b. A minimum of one class II or class III tree shall be planted in the frontage of 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 W. Marigold Street shall have a total of 16 class II or III trees.
  - c. Perimeter landscaping shall be installed along the eastern and western property boundary line.
    - i. The perimeter landscaping area(s) shall be at least ten feet (10') wide measured from the property line to the interior of the lot and contain at least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.
7. A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances.
- a. All pathways shall have a minimum width of four feet (4'); or have a width that is appropriate based on their function.
  - b. The pathways shall be free from hazards, have appropriate lighting levels, and meet the standards for ADA accessibility.
  - c. Pathway surfaces shall be concrete, pavers, brick, or other ornamental paving so long as they have a smooth finish and textured or bumpy materials may be used as an edge treatment, provided that an accessible route is provided between the edge treatments. Painted pathways are permitted only when used to identify pedestrian crossings along common drives or parking lot areas.
  - d. Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility.

Once the Record of Survey is recorded by the County:

1. Please provide a copy of the recorded survey to city staff.
2. The owner must execute deeds that define the parcels per the survey and return a recorded copy of the deeds to the city staff.
3. Obtain tax parcel numbers for the new parcels and submit evidence of such to city staff.

**General Requirements:**

1. This review and approval is specific to this application. Final approval is subject to the approval of other reviewing agencies. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail. This approval shall not annul any portion of Garden City Code or other applicable regulation unless specifically noted.
2. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. 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.
10. 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.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. 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.
13. 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.
14. 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.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
18. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to a Certificate of Occupancy.
19. Property Maintenance Standards shall be maintained as required by Garden City Code.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
22. All stormwater systems must comply with Garden City Code 8-4A-7.
23. System Installation Required: Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
24. 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.
25. 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. Final approval is based on substantial conformance with the plans reviewed and approved.
- 26. 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.
  - 27. Occupying the site prior to Certificate of Occupancy is a criminal offense.
  - 28. 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.
  - 29. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
  - 30. This approval shall expire two (2) years from its approval, unless otherwise extended as allowed by Garden City Code.
  - 31. Approval shall become null and void if the applicant fails to record the record of survey 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.
  - 32. 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.

*Hanna Veal*

August 26, 2025

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Planning Official

Date