



## CITY OF GARDEN CITY

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### STAFF REPORT

**File Number:** SUBFY2024 - 0006, Edgemere Subdivision  
**For:** Combined Preliminary Plat and Planned Unit Development  
A 10 residential and 1 common lot subdivision  
**Location:** 219 E. 44<sup>th</sup> Street  
**Applicant:** Jadon Schnider  
**Report Date:**  
**Design Review:** November 18, 2024



Staff Report  
Report prepared by Mariia Antonova

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## A. Record Documents ([link to all file documents](#))

Individual links:

1. Application Materials
  - a) SUBFY2024 - 0006 [application and materials](#)
  - b) SUBFY2024 - 0006 [resubmittals](#)
2. Staff Report
  - a) Staff Report Draft November 13, 2024
3. Agency Comments: linked in [Section F](#)
4. Public Comments: linked in [Section G](#)
5. Noticing Documents
  - a) [City Noticing](#)
6. Recommendations
  - a) Design Review Consultant: Derek Hurd
  - b) Design Review Consultant: Brett Labrie

## B. Recommendation Summary:

This summary will be updated to reflect the recommendations of the recommending bodies.

## C. Project Information

### Proposed Scope of Work:

This application is for a subdivision and a Planned Unit Development per Garden City Code 8-7A-2 Definition of Terms:

**Subdivision:** The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which may also include easements and the dedication of a public street or designation of private lanes or rights-of-way, and the addition to, or creation of, a cemetery.

**Planned Unit Development:** Property planned as a whole that demonstrates innovation in design to protect natural features or create public amenities through more flexible standards, such as lot sizes, densities and setbacks, than those restrictions that would normally apply under these regulations.

Review Process	Notes
<a href="#">8-5B-4</a> Combined Preliminary and Final Subdivision Process	
<a href="#">8-6B-7</a> Planned Unit Development	A Planned Unit Development and a Subdivision can be processed concurrently

Special Provisions	Notes
Subdivisions located within a Floodplain <a href="#">8-5C-4</a>	A floodway development application will be reviewed in conjunction with construction plans provided approval of the requested application.

### Purpose of a Planned Unit Development

A. Purpose: The intent of this section is to provide for well planned developments which conform to the objectives of this title but may deviate in certain respects from the zoning map and the district regulations. It is not the intent that the planned unit development process be used solely for the purposes of deviation from the dimensional standards in the district unless the following objectives are also achieved:

1. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements.
2. Create a more useful pattern of open space and recreation areas; and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses, and services.
3. Establish a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation and prevents the disruption of natural drainage patterns.
4. Use land more efficiently than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
5. Develop a land pattern in harmony with land use density, transportation, and community facilities objectives of the comprehensive plan.

**Site Conditions:**

- 1) Street Address: 219 E. 44<sup>th</sup> Street
- 2) Parcel Number: R2734500928
- 3) Subdivision: LOT 23 EXC NW 100' OF SW 75' BLK 03 FAIRVIEW ACRES SUB NO 01 VIN # S1305C17ZS3281 TITLE # B184065
- 4) Property Size: 0.520 acres
- 5) Zoning District: R-3 Medium density residential
- 6) Zoning Overlay: Neighborhood Commercial Node
- 7) Comprehensive Plan Land Use Map Designations:
  - a) Mixed Use Commercial
  - b) Activity Node: Neighborhood Destination
- 8) Legal Parcel of Record: **Unable to determine**
- 9) The project is in the:
  - a) 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
  - b) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 10) Surrounding Uses within 600 feet:
  - a) Manufactured/mobile home park
  - b) Dwelling unit, single family detached
  - c) Dwelling unit, single family attached
- 11) Existing Use: Residential lot with two mobile homes
- 12) Easements on site :

- a) EASEMENTS: FAIRVIEW ACRES SUB 01 PLAT; 200600045; UTILITY,  
DRAINAGE, IRRIGATION EASEMENT
- b) EASEMENTS: FA01 B3 SURVEY TEENA & 43<sup>RD</sup>; 200600045; UNSPECIFIED
- 13) Site Access: Private Drive from 44<sup>th</sup> Street
- 14) Sidewalks: Driveway approach
- 15) Wetlands on site: None identified

### **Project Details:**

- 1) Proposed development: residential subdivision - Combined Preliminary and Final Plat – Processed as a Planned Unit Development
- 2) Total number of lots: 11
- a) Common: 1
- b) Residential: 10
- 3) Density: 19 Dwellings per acre
- 4) Site Coverage: **The site plan calculations contain conflicting information.**
- a) Building: **Unknown**% of the site
- b) Landscaping: **Unknown** % of the site
- c) Paved Areas: **Unknown** % of the site
- 5) Total number of vehicular parking spaces: **Unknown**
- a) Enclosed: **#**
- b) Surface: **#**
- 6) Total number of bicycle parking: 0
- 7) Refuse: The refuse will be individual services and picked up from the driveways.
- 8) Fencing: No fence
- 9) Sidewalk:
- a) ~10' wide drive approach
- 10) Landscaping:
- a) 202 of shrubs
- b) 16 Total number of trees
- i) 2 Class I
- ii) 2 Class II
- iii) 12 Conifer
- c) Parameter Landscaping: Conifer trees, shrubs, class II trees, decorative rock surface
- 11) City Utilities
- a) Water and Sewer connection to lots
- b) fire hydrant #3032
- 12) Pathway: pedestrian pathway inside the site
- 13) Proposed Easements:
- a) Cross access easements
- b) Ingress-egress easement (private drive)
- 14) PUD Waivers: **The applicant did not submit a request**

## **D. Discussion**

This application (SUBFY2024-0006) is a subdivision application that is to be processed as a Planned Unit Development (PUD). As a PUD development, the applicant can submit waivers to code standards such as allowing a greater number of lots to be accessible off a common drive, and proposing noncompliant garage sizes, however, the applicant has failed to submit waivers to Garden City Code and will need to do so prior to the public hearing portion of their application process.

A section of PUD code requires that in any development that which proposes 10 or more dwelling units shall provide a variety of housing types. The proposed variety shall include attached units (townhouses, duplexes), detached units (patio homes), single-family and multifamily units; provided, that the overall density limit of the district is maintained. This application does not propose a variety of housing types in that all units are 3-story townhomes of similar architectural design. The townhomes, while appearing similar in exterior elevations, provide a **variety of one-bedroom and two-bedroom floor plans.**

PUD's also require that all housing units be adjacent to common open space. Staff is concerned about site plans providing adequate open space square footage. A condition has been drafted to identify all common open space and for the space to be compliant with GCC 8-4L Open Space Provisions.

### **Sidewalk**

It appears that 215 E. 44th Street and 219 E. 44th Street are part of the same Lot 23. The applicant has not provided documentation indicating that Lot 23 has been legally subdivided. If both properties are indeed part of the same lot, the applicant would be required to install a sidewalk and trees along both 215 E. 44th Street and 219 E. 44th Street, in accordance with GCC Sections 8-4I Landscaping and Tree Protection Provisions and 8-4E Transportation and Connectivity Provisions.

The Planning and Zoning Commission and Design Review Committee are recommending bodies for this application. If either recommending body feels that the application is not yet ready for approval, but does not want to deny the application, there is the option to request that the applicant return with revised materials.

The Recommending Authority may take one of the following actions:

1. Recommend the City Council grant/ approve the application as applied;
2. Recommend the City Council grant/ approve the application with conditions as drafted or as amended to the City Council;
3. Recommend the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

**If this development is denied, no submittal in the same form or the same use it can be reapplied for within a one-year time frame.**

### **E. Decision Process**

### **General Provisions**

This application is processed per GCC 8-6A-7 Public Hearing.

**Required Decisions:** The following decision processes are required for the project as governed by GCC Table 8-6A-1:

Decision		Recommendation Authority/ Hearing Date	Decision Authority
Combined Preliminary/Final Subdivision	Plat	Design Review Consultation: November 18, 2024	City Council: Hearing January 13, 2025
And Planned Development	Unit	And Planning and Zoning Commission: Hearing December 18, 2024	

### **Required Findings:**

For the approval of a COMBINED PRELIMINARY/FINAL PLAT SUBDIVISION, the decision-making body must find the application meets the following findings, found in GCC 8-5B-5:

- A. The subdivision is in conformance with the comprehensive plan;
- B. The subdivision is in conformance with all applicable provisions of this title;
- C. Public services are available or can be made available; and are adequate to accommodate the proposed development;
- D. The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program;
- E. There is public financial capability of supporting services for the proposed development;
- F. The development will not be detrimental to the public health, safety or general welfare; and
- G. The development preserves significant natural, scenic or historic features;

**PLANNED UNIT DEVELOPMENT:** To approve a planned unit development, the decision-making body must find the application meets the following findings, found in GCC 8-6B-7.E:

- A. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;
- B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses



proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;

- C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
- D. Any proposed commercial development can be justified at the locations proposed;
- E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council;
- F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- G. The PUD is in general conformance with the comprehensive plan; and
- H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

Because the application is a Planned Unit Development, the Decision Maker must also find compliance with Conditional Use Permit findings, found in GCC 8-6B-2. D:

- 1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;
- 2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts
- 3. The use will not unreasonably diminish either the health, safety, or welfare of the community; and
- 4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.

### **Decision**

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied. The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Design Consultant and Planning and Zoning Commission are recommending authorities and the City Council is the final decision maker for the requested application.



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## Recommendations

The Recommending Authority may take one of the following actions:

1. Recommend that the City Council grant the application as applied;
2. Recommend that the City Council grant the application with conditions as drafted or as amended;
3. Recommend that the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

The recommendations of the Design Committee and the Planning and Zoning Commission does not constitute a final decision on the application. Their recommendations cannot be appealed, as they will be heard by the City Council. The City Council is the final decision maker for this application.

## City Council Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

A reconsideration request may be made within 14 days of the formal decision being rendered by the City Council. Final decisions are subject to a 28-day right to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code. A takings analysis pursuant to Idaho Code may be requested on final decisions.

## F. Agency Comments

The following is a summary of the agency comments that were provided at the time of the drafting of this report. All comments are included in their entirety as a part of the record.

Agency	Comment Date	Summary
Republic Services <a href="#">Link to Comment</a>	10/10/2024	Discussions with the applicant resulted in Republic Services approving the option whereby residents would leave their carts on their own driveway.
North Ada County Fire and Rescue <a href="#">Link to Comment</a>	10/21/2024	<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. (IFC 507.3, IFC B105.2, IFC C105). <b>The proposed hydrant location at East end of lane complies with this requirement.</b></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. (IFC 503.1.1)</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. (IFC D105) <b>The common drive is shown to be 26 feet wide to afford the required fire department aerial access.</b></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. (BCC 5-12-29, IFC 503.2.4)</li> <li>Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Documentation maybe requested at final inspection that the road surface meets this standard. (IFC D102.1)</li> <li>For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side, for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides, and all portions of the turn-around. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8) <b>Parking will be not be allowed along the common drive. Parking will only be allowed in the individual driveways. Signage indicating this will need to be posted at the entrance to this subdivision.</b></li> </ul>
DEQ <a href="#">Link to Comment</a>	10/23/2024	General comments provided
Central Health District <a href="#">Link to Comment</a>	10/24/2024	<p>After written approvals from appropriate entities are submitted, we can approve this proposal for:</p> <ul style="list-style-type: none"> <li>Central sewage</li> <li>Central water</li> </ul> <p>The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:</p> <ul style="list-style-type: none"> <li>Central sewage</li> <li>Central water</li> </ul> <p>Infiltration beds for storm water disposal are considered shallow injection wells. If they are not in the City of Boise or ACHD right-of-</p>

		way, an application and fee per well, vicinity map and construction plans must be submitted to CDH.
Garden City Engineer <a href="#">Link to Comment</a>	10/30/2024	<ul style="list-style-type: none"> <li>As the project is currently in the entitlement phase with city submittals, this review is only a review for that process. We will not perform a complete review of construction plans or the final plat until the plans are fully vetted with the staff of the Public Works Department.</li> <li>Additionally, the construction plans are not signed and dated by the design professional. The city will only review sealed, signed and dated plans.</li> <li>Any approval of the project should be conditioned upon successfully addressing items presented in this review.</li> <li>We note the plat is a portion of Lot 23 of Block 3 of Fairview Acres Subdivision No. 1. Please provide evidence that the property is an original parcel of record, and, by default, that parcel R2734500929 is an original parcel of record. <b>Should parcel R2734500929 be included in the subdivision to assure it is an original parcel of record?</b></li> <li>The subdivision name of Edgemere Subdivision has been reserved for the project by the County Surveyor's office.</li> <li><b>Is the internal road (Quadfour Lane) a private road? We expect due to the number of units proposed, it is a private road. Please provide an approval of the street name by the Ada County Street Name Committee.</b></li> <li>Provide QC results of the construction of the internal private roadways when completed.</li> <li><b>The project's letter of intent notes an ingress-egress easement on the property that serves the land to the northeast. The letter notes that this access is to continue, but we do not see any indication of the easement or its continuation on the final plat. Please clarify.</b></li> <li>Apparently the easement is recorded under instrument numbers 8939658 and 9040561 in Ada County.</li> <li>An approval from the Ada County Highway District is required</li> <li>Approval of the project by the North Ada County Fire and Rescue District will be required. Should fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans.</li> <li>The review by the District will need to include review of access and locations of fire hydrants. We note the information submitted indicates a new fire hydrant at the end of the private lane.</li> <li><b>Will the applicant plan on creating a Restricted Build Agreement (RBA) for the project?</b></li> <li>The submittal information indicates an existing gravity irrigation facility located along the southerly boundary of the project. Provide an approval of any change to the facility 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>City code requires the project to be served by surface irrigation water via a pressurized system unless a waiver is approved by the city.</li> <li>The submitted preliminary plat (note 7) indicates a pressurized irrigation system will be installed noting irrigation water will be provided by non-potable water. <b>Please provide a report from an Idaho licensed design professional noting the water available, frequency of its delivery and a hydraulic analysis of</b></li> </ul>

		<p><b>the proposed delivery and pump system. Will an off-season or supplemental city water supply back-up be installed?</b></p> <ul style="list-style-type: none"> <li>• Water and sewer service must be reviewed and approved by the city's Public Works Department. It appears that water meter vaults must all be placed in traffic rated conditions. The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs. The applicant is responsible to confirm/verify that adequate sewer capacity is available and that the existing system depth is adequate to serve the site. The plan-profile of the water and sewer planned for the project will be reviewed by the city once entitlement is complete, the plans are sealed, signed and dated by the Idaho licensed professional engineer and the city's Public Works Department staff provides comments. Permeable pavers are proposed for storm water mitigation. Please note that water line mains under or within 10 feet of permeable pavers need to be ductile iron pipe. Additionally, the city will not repair the paver section should maintenance/repair/replacement of the water and sewer main lines be necessary. And, sanitary sewer service extending from the main line connection to the home must be private. The final plat and the project C,C&amp;Rs must include notes and text noting the responsibility of the HOA/lot owners regarding permeable pavers. Public water lines need to be at least 25 feet from any storm water seepage beds, if any. Water lines must be looped where possible. Dead-end lines, if unavoidable, must terminate with a blow-off. Internal fire hydrants must be served by a minimum sized mainline of at least 8-inch; however the line from the main to the hydrant must be 6-inch.</li> <li>• The final plat must contain easements to cover all city water and sewer infrastructure including water and sewer lines, manholes, fire hydrants and water meters.</li> <li>• After completion of site improvements, record drawings showing compliance with approved construction plans and pre-approved construction period changes must be provided and accepted by the city. The project engineer is responsible to observe and provide completion documents and plans.</li> <li>• Will the applicant request a QLPE review by the city be performed? <b>If so, the applicant will be responsible to pay for the review in addition to ordinary plan review.</b></li> <li>• If a QLPE review is requested, the project engineer must provide completed DEQ checklists for the project.</li> <li>• Prior to performing any new grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan.</li> <li>• A site geotechnical report, storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by Idaho licensed design professionals that is sealed, dated and signed will be required. Compliance with the storm water ordinance and policies of the city will be required. Drainage must be maintained on-site. The submittal includes a site geotechnical report and storm water design report.</li> <li>• The storm water report submitted will be fully reviewed by the city's Public Works Department when a complete plan review is performed. We note the storm water system is proposed to be permeable pavers. The report provided notes that roof drainage will be collected and directed to the garage side of the buildings and discharge to the ground onto driveways or splash blocks. This</li> </ul>
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		<p>information may need to be detailed on the construction plans to assure that roof gutters will adequately be able to carry all roof drainage to the garage side of the buildings.</p> <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 with final plan approval.</li> <li>• The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. 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 are available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020. Additionally, as the site is within the current AE zone, the building's lowest floor must be at least 2 feet above the current BFE. <b>We note the plans call out an FFE (livable space) elevation, but the lowest floor elevation must comply with the required elevation. Is the FFE the lowest floor?</b></li> <li>• <b>Site Note 10 indicates there will not be an HOA, but C,C&amp;Rs will be created to provide "guidance" to owners for upkeep of the private road. Please provide the specifics of this "guidance".</b> The results must be an enforceable document regarding any common facility in the project, including the operation and use of the proposed private road, walkways, pressure irrigation system and the storm water system.</li> <li>• <b>Note 4 conflicts with the final plat. The note references Lot 11 and the final plat references Lot 9 of Block 1.</b></li> <li>• <b>Please add the gravity irrigation note to the plat regarding supply of surface irrigation water and who the provider is.</b> The note needs to reference future irrigation assessments to lot owners. As noted previously with the proposed permeable pavers, the city will not repair the paver section should maintenance/repair/replacement of the water and sewer main lines under them be necessary. And, sanitary sewer service extending from the main line connection to the home must be private. The final plat and the project C,C&amp;Rs must include notes and text noting the responsibility of the HOA/lot owners regarding permeable pavers.</li> <li>• Plat note 2: The city easement must cover all city infrastructure including fire hydrants and water meters. <b>Please anticipate providing a sketch of how the boundary of the easement fits with all proposed city infrastructure.</b> Appropriate clearances from infrastructure to the edge of the easement are expected. Please add appropriate subdivision boundary ties to GLO corners or corners accepted by the County Surveyor.</li> <li>• <b>Please reference the Basis of Bearing used.</b></li> <li>• <b>A minor item, please add the tick mark to indicate US survey feet on all length dimensions or add a note that all dimensions are in US survey feet.</b></li> </ul>
<p>ACHD  <a href="#">Link to Comment</a></p>	<p>11/13/2024</p>	<ul style="list-style-type: none"> <li>• Construct 44th Street as ½ of a 36-foot wide street section with vertical curb, gutter and 5-foot wide attached concrete sidewalk abutting the site.</li> <li>• Dedicate right-of-way to 2-feet behind back of sidewalk, or for detached sidewalk, reduce the right-of-way to 2-feet behind back</li> </ul>

		<p>of curb and provide a permanent right-of-way easement from the right-of-way line to 2-feet behind back of sidewalk.</p> <ul style="list-style-type: none"> <li>• <b>Pave the existing driveway and re-construct the approach as a curb cut type driveway. This driveway is restricted to a maximum width of 24-feet.</b></li> <li>• Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.</li> <li>• There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.</li> <li>• Comply with all Standard Conditions of Approval.</li> </ul>
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## G. Public Comment

None provided as of the drafting of this document.

Commenter	Comment Date	Summary
		Opposition / Approval/ Neutral why

## H. Code/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 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations			
<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>		Not Compliant	215 East 44th Street and 219 East 44th Street are on the same Lot 23. The survey records of the adjacent lots dated 2015 and 2021 show that Lot 23 has not been subdivided.  It is necessary to provide documents indicating that the property is an original parcel of record, and, by default, that parcel R2734500928 is an original parcel of record.
<a href="#">8-1B-2 Nonconforming Structures</a>		No compliance issues noted	The existing two mobile homes will be removed from the site.
<a href="#">8-1B-3 Nonconforming Uses</a>		No compliance issues noted	
<a href="#">8-1C-3 Property Maintenance Standards</a>		No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.
Title 8, Chapter 2: Base Zoning District Regulations required by 8-5A-4			
<a href="#">8-2B-1 Purpose</a>	PZ/CC	No compliance issues noted	The application is 19 units per acre, under 35 units per acre maximum within the R-3 Zoning District. But above the minimum of 14 units per acre required in TOD or neighborhood commercial nodes. The subdivision does not specifically request entitlements for any use in conjunction with this application, but assumes 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>	PZ/CC	No compliance issues noted	Single Family Attached Dwellings are a permitted use.
<a href="#">8-2B-3 Form Standards</a>	PZ/CC	May not be compliant	The required setbacks are: Front: 5'/20' Interior Side: 0'/5' Rear: 15' Street side: 5' The allowable maximum height is: n/a



			<p>The minimum lot size is: n/a The maximum lot coverage: 70% <b>There is no indication of the rear setback on the site plan.</b></p> <p>All improvements are more than 70' from the Boise River.</p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>	DC/CC	Compliant as Conditioned	This proposal does not identify any fence or wall.
<a href="#">8-4A-4 Outdoor Lighting</a>	DC/CC	Not Compliant	<p>The application proposes 25-foot light poles, with one to be installed along the right-of-way and one within the lot.</p> <p>According to the Garden City Street Lighting Policy, light poles should have a mounting height of either 20 or 25 feet (20 feet for local streets, 25 feet for collectors). Since 44th Street is a local street, the height cannot exceed 20 feet.</p> <p>New installations should meet construction, materials, equipment, and installation requirements will be in accordance with street light installation standards.</p> <p>Additionally, the city code specifies that the height of a freestanding light fixture in a residential district shall not exceed nine feet (9'). Therefore, the proposed 25-foot light pole within the lot does not meet the requirements.</p> <p><i>The lighting plan also contains information about the city of Eagle. Needs to be corrected</i></p>
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	DC/CC	May not be compliant	<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>Individual trash carts are proposed for pick up internal to the development.</p> <p>HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.</p> <p><b>It is unclear how the HVAC equipment is incorporated into the overall design of the buildings and landscape. Clarification is needed.</b></p>
<a href="#">8-4A-7 Stormwater Systems</a>	DC/CC	Compliant as Conditioned	<p>All stormwater that is created by the site improvements is proposed to be collected and disposed of within the project boundaries.</p> <p>The stormwater facility shall be designed free draining with no standing water within twenty four (24) hours of the completion of a storm event.</p>

			<p>Gravel, rock, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature.</p> <p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p>
<a href="#">8-4A-8 Utilities</a>	DC/CC	Compliant as Conditioned	<p>A draft condition of approval is provided requiring the sanitary sewer service extending from the main line connection to the home must be private.</p> <p>Another draft condition of approval is provided requiring that all utilities be underground.</p>
<a href="#">8-4A-9 Waterways</a>	DC/CC	May not be compliant	<p>Code requires that irrigation ditches, laterals, canals, and drains shall be left open and used as a water amenity or linear open space.</p> <p>However, the irrigation ditch, lateral, canal, or drain may be enclosed if it is already enclosed on both ends adjacent to the property and if the adjacent properties are fully developed in such a way that reopening the enclosed irrigation ditch, lateral, canal, or drain in the future would be infeasible.</p> <p>The property at 215 East 44th Street is not included in this project; however, it does have an open ditch. This open ditch section, which runs along both 215 East and 219 East 44th Street, is adjacent to sections of the ditch that are already piped.</p> <p>In addition, the adjacent properties around the site are mobile home parks/homes. There is a record in the city files of a due diligence meeting with a potential buyer of the adjacent property. Therefore, the staff assumes that reopening the ditch is possible in the future. <b>However, more detailed information from the applicant is needed regarding the necessity of enclosing the ditch.</b></p> <p>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.</p>
<b><a href="#">8-4B Design Provisions for Residential Structures</a></b>			
<a href="#">8-4B-3 Single Family and Two-Family Attached and Detached Dwelling</a>	DC/CC	Not Compliant	
<b><a href="#">8-4D Parking and Off Street Loading Provisions</a></b>			
<a href="#">8-4D-3 Parking Design and</a>	DC/CC	Not Compliant	<b>Vehicle parking:</b>

<a href="#">Improvement Standards</a>			<table><tr><th colspan="5">Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</th></tr><tr><th>Parking Angle</th><th>Stall Width</th><th>Stall Depth</th><th>Length Per Car</th><th>Driveway Width* Must also meet fire requirements</th></tr><tr><td colspan="5">Standard</td></tr><tr><td>90°</td><td>9'0"</td><td>20'0"</td><td>9'0"</td><td>22'0"</td></tr></table> <p><b>Compliant Parking Provided:</b> 10 regular parking spaces Stall Width: 10' Length per car: 35'</p> <p><b>The applicant has provided conflicting information about the garage's car capacity. Based on dimensional standards, the garage can accommodate only one car.</b></p> <p><b>Additionally, the dimensions of the driveway are not indicated on the site plan.</b></p>	Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS					Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements	Standard					90°	9'0"	20'0"	9'0"	22'0"
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90°	9'0"	20'0"	9'0"	22'0"																			
<a href="#">8-4D-4 Parking Use Standards</a>	DC/CC	No compliance issues noted	<p>A. Number Of Spaces: No use shall provide less than the minimum spaces required by this article.</p> <p>B. Use Of Property; Phased Projects: The use of any property is conditional upon the unqualified continuance and availability of the parking as required by this code.</p> <p>C. Equivalent Facilities: No required parking area or space provided, as required by this article, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities approved by the city are provided.</p>																				
<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	DC/CC	Not Compliant	<p><b>In the floor plans provided, the applicant has used the same layout for all unit types. This information contradicts the description of the units.</b></p> <p><b>The staff cannot calculate the required number of parking spaces.</b></p> <p>For developments with more than two (2) dwelling units there shall be one-half (0.5) additional parking space/unit provided for guest parking for the first ten (10) dwelling units.</p> <p><b>The proposed plans include 10 units, which require 5 guest parking spaces. However, no guest parking spaces are provided on the site.</b></p> <p><b>The purpose of the driveway remains unclear because:</b></p> <ul style="list-style-type: none"><li>For two-bedroom units, 2 parking spaces must be provided, one of which must be covered (one car garage provided). However, driveway dimensions are not provided.</li><li>In correspondence with Republic Services, the applicant provided a plan in which the garbage bins for each unit would be placed on the driveway, giving the driveway a dual purpose (see Figure 1). However, the applicant has not provided dimensions or plans</li></ul>																				

			that demonstrate that both cars and garbage bins can fit on the driveway.
<a href="#">8-4D-6 Standards For Equivalent Parking Adjustments</a>	DC/CC	No compliance issues noted	Not requested
<a href="#">8-4D-7 Off Street Loading Standards</a>	DC/CC	No compliance issues noted	None proposed
<b><a href="#">8-4E Transportation and Connectivity Provisions</a></b>			
<a href="#">8-4E-3 Public Street Connections</a>	DC/CC	Compliant as Conditioned	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. <b>Needs to be indicated on the site plan.</b>
<a href="#">8-4E-4 Internal Circulation Standards</a>	DC/CC	Compliant	The drive is 20' or greater in width
<a href="#">8-4E-5 Private Street Standards</a>	DC/CC	Not Compliant	<p>Staff are unsure if the proposed road is to be a private road. <b>Confirmation is required.</b></p> <p>All private streets shall be designed and constructed to the following standards:</p> <ul style="list-style-type: none"> <li>A. The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot that provides access to all applicable properties.</li> <li>B. The private street shall be constructed within the easement and shall have <b>a travel lane width of twenty six feet (26')</b>.</li> <li>C. The private street shall provide sufficient maneuvering area for emergency vehicles as determined and approved by the fire authority.</li> <li>D. The private street name(s) shall obtain approval from the Ada County street name committee.</li> <li>E. A binding contract that establishes the party or parties responsible for the repair and maintenance of the private street including regulations for the funding shall be recorded with a final plat. No building permit shall be issued until the contract has been recorded.</li> </ul> <p><b>The applicant also needs to reach an agreement with Boise Fire and the Ada County Highway District (ACHD) regarding the driveway and common lane requirements.</b></p>
<a href="#">8-4E-6 Sidewalk Standards</a>	DC/CC	Not Compliant	<p><b>The sidewalk is not proposed in the site plan.</b></p> <p>The applicant is required to install a detached sidewalk along both 215 East 44th Street and 219 East 44th Street.</p>

<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	DC/CC	Not Compliant	The pedestrian pathway does not connect all portions of the development in a direct manner
<a href="#">8-4E-8 Transit Facilities</a>	DC/CC	No compliance issues noted	No comment
<b>8-4H Flood Hazard</b>			
<a href="#">8-4H Flood Hazard</a>	Planning Official	Compliant as Conditioned	The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. 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 are available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020.
<b>8-4G Sustainable Development Provisions</b>			
<a href="#">8-4G Sustainable Development Provisions</a>		Not Compliant	Sustainability Checklist not submitted.
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>	DRC/CC	Compliant	
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	DRC/CC	Not Compliant	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. <b>Not enough information to review.</b></p> <p><b>1,133 SF required</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 I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>E. 44<sup>th</sup> St. (~100 LF): 1 Street Tree + 2 Frontage tree=3 trees <b>(deficient 3 trees)</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.</p> <p><b>The landscape information provided contains conflicting information.</b></p>
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	DRC/CC	Not Compliant	<p>Perimeter landscaping is required in the following situation:</p> <p>Between other paved vehicular use areas, including driveways, and vehicle storage areas and all property lines;</p>

			<b>Perimeter landscaping has not been provided along all property boundaries where it is required.</b>
<a href="#">8-4I-6 Parking Lot Landscaping Provisions</a>	DRC/CC	Not Applicable	No comment
<a href="#">8-4I-7 Tree Preservation Provisions</a>	DRC/CC	Compliant as Conditioned	<p>It is proposed to remove existing trees.</p> <p>Arborist report was submitted for review.</p> <p>The arborist identified 15 trees on the property. According to the report, 4 trees are in good or fair condition:</p> <ul style="list-style-type: none"> <li>• <i>Tree #1 is a 27" DBH Walnut, English (Juglans regia) in fair condition.</i></li> <li>• <i>Trees #2 through #12 range between 6" to 10" DBH Juniper (Juniperus sp.) in poor condition.</i></li> <li>• <i>Tree #13 is an 18" DBH Spruce, Colorado (Picea pungens) in good condition.</i></li> <li>• <i>Tree #14 is a 15" DBH Spruce, Colorado (Picea pungens) in good condition.</i></li> <li>• <i>Tree# 15 is a 15" DBH Maple, Norway (Acer platanoides), in fair condition.</i></li> </ul> <p>Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed or damaged from the site. Mitigation shall be replacement of the total calipers lost on site up to an amount of one hundred percent (100%) replacement. (Example: Two 10-inch caliper trees removed may be mitigated with four 5-inch caliper trees, five 4-inch caliper trees, or seven 3-inch caliper trees.)</p> <p>The application proposes the removal of 168" caliper tree, 75" of which requires mitigation.</p> <p><b>Mitigation required for a total of 75" caliper tree.</b></p>
<b>8-4L Open Space Provisions</b>			
<a href="#">8-4L-3 General Open Space Standards</a>	DRC/CC	May not be compliant	<p>The common open space area is located and designed to serve as a passive or recreational function.</p> <p><b>However, existing trees were not included in the common open space.</b></p>
<a href="#">8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments</a>	DRC/CC	Not Compliant	<p>A minimum of ten percent (10%) of the gross site area shall be in common open space.</p> <p><b>The applicant indicated that 16% of the site is designated as common open space. However, the open space plan does not include dimensions, and staff is unable to determine from the plan whether the green space qualifies as common open space.</b></p> <p>Location:</p> <p>1. Common open space shall be located on a common lot or an area with a common maintenance agreement. <b>Some open</b></p>

			space areas are located along the entrance areas of the units. Not Compliant
<b>Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</b>			
8-5A-4 General Standards	PZ/DRC/CC	Choose an item.	See discussions on Design Review 8-4 B&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  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.
8-5A-6 Improvement Standards		Choose an item.	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.
<b>8-5C-4 Subdivisions located within a Floodplain</b>			
8-5C-4 Subdivisions located within a Floodplain	PZ/DRC/CC	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.
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>	PZ/DRC/CC	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>	PZ/DRC/CC	Choose an item.	
<a href="#">8-6A-7 Public Hearing Process</a>	PZ/DRC/CC	Choose an item.	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>	DC/CC	Choose an item.	Application waivers requested pursuant to 8-6B-7: NONE
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Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
<a href="#">Idaho Code 67-6513</a> Local Land Use Planning Subdivision Ordinance	<p>Garden City has, by ordinance, adopted hearing procedures compliant with section <a href="#">67-6509</a>, Idaho Code, for standards and for the processing of applications for subdivision permits under sections <a href="#">50-1301</a> through <a href="#">50-1329</a>, Idaho Code.</p> <p>This statute enables Garden City regulations to provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.</p> <p>This section notes that denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section <a href="#">67-8003</a>, Idaho Code, consistent with the requirements established thereby.</p>
<a href="#">Idaho Code 67-6515</a> Local Land Use Planning Planned Unit Developments	This statute enables Garden City to process applications for planned unit developments.
<a href="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <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> <ol style="list-style-type: none"> <li><b>MIXED USE COMMERCIAL:</b> The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.</li> <li><b>ACTIVITY NODE:</b> Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes</li> </ol>

	<p>could be developed within the twenty-year period of the plan. Activity Nodes by type shown on the Land Use Map are as follows: Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential. <u>Identified centers are:</u></p> <ul style="list-style-type: none"> <li>• Adams and 50th Streets intersection to the Boise River</li> <li>• Adams and 42nd street intersection to the Boise River.</li> <li>• East city boundary to 36th street between the Boise River and Chinden Boulevard</li> <li>• Glenwood and Marigold Streets intersection</li> <li>• Chinden Boulevard and Garrett Street intersection</li> <li>• Chinden Boulevard and 50th Street intersection</li> <li>• State Street and Pierce Park Transit Oriented Development Nodes</li> <li>• Chinden Boulevard and Glenwood Street intersection</li> <li>• Chinden Boulevard and Veterans Parkway intersection</li> <li>• State Street and Horseshoe Bend Road</li> <li>• State Street and Glenwood Street</li> </ul> <p><u>The application may be supported by:</u></p> <p><b>Goal 1. Nurture the City</b></p> <ul style="list-style-type: none"> <li>• 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p><b>Goal 2. Improve the City Image</b></p> <ul style="list-style-type: none"> <li>• 2.1 Objective: Encourage new and distinctive neighborhoods.</li> </ul> <p><b>Goal 6. Diversity in Housing</b></p> <ul style="list-style-type: none"> <li>• 6.1 Objective: Eliminate and upgrade substandard housing.</li> </ul> <p><u>The application may not be supported by:</u></p> <p><b>Goal 2. Improve the City Image</b></p> <ul style="list-style-type: none"> <li>• 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li>• 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p><b>Goal 4. Emphasize the "Garden" in Garden City</b></p> <ul style="list-style-type: none"> <li>• 4.2 Objective: Promote community gardens.</li> <li>• 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p><b>Goal 5. Focus on the River</b></p> <ul style="list-style-type: none"> <li>• 5.3 Objective: Restore and naturalize water systems, including canals, ditches, drains, river channels and creeks.</li> </ul> <p><b>Goal 6. Diversity in Housing</b></p> <ul style="list-style-type: none"> <li>• 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing.</li> <li>• 6.3 Objective: Maintain the diversity of housing.</li> </ul> <p><b>Goal 7. Connect the City</b></p> <ul style="list-style-type: none"> <li>• 7.1 Objective: Create pedestrian and bicycle friendly connections.</li> <li>• 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul>
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	<b>Goal 9. Develop a Sustainable City</b> <ul style="list-style-type: none"> <li>9.3 Objective: Promote and recognize green building construction.</li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along E. 44 <sup>th</sup> Street in accordance with the policy.

## I. Images

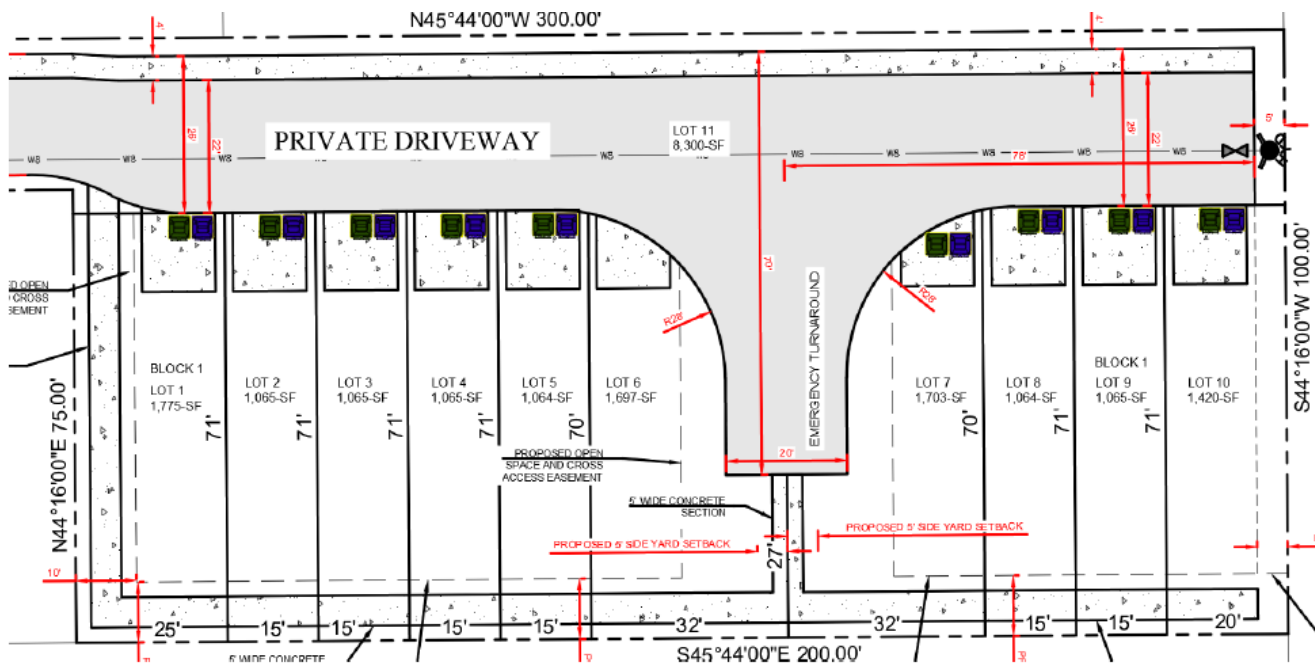


Figure 1.