

**STAFF SUGGESTED DECISION**

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

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

In the Matter of:	)	SUBFY2025-0001
	)	
Final Plat Subdivision	)	FINDINGS OF FACT,
606 E. 43 <sup>rd</sup> Street	)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho	)	AND DECISION
_____	)	

THIS MATTER came before the Garden City Council for consideration on August 11, 2025. The Garden City Council reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Council makes the following Findings of Fact, Conclusions of Law, and Decision:

**FINDINGS OF FACT**

1. The application is for a Final Subdivision.
2. The preliminary plat was approved by the City Council on April 14, 2025.
3. The application is located at 606 E. 43<sup>rd</sup> Street; Ada County Parcel No. R2734521681
4. The subject property is 0.690 acres.
5. The applicant is Connor Lindstrom.
2. The property owner of record is Brundage Bungalows LLC.
3. The project is in the C-2 General Commercial Zoning District.
4. The project is in the Mixed Use Residential and the Neighborhood Destination Activity Node designations of the Comprehensive Plan Future Land Use Map.
5. The project is 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).

6. The project is within the 100 year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
7. The following section of the Garden City Development Code applies to this proposal:
  - a. Garden City Code 8-5B-3: Final Subdivision Process Land Division Regulations
  - b. Garden City Code 8-6A Administration
8. The applicant provided the following application information:

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

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

9. Additional application materials submitted include:
  - a. Site Plan;
  - b. Elevations;
  - c. Landscape Plan;
  - d. Arborist Report;
  - e. Lighting Plan;
  - f. Ability to Provide Fire Flows;
  - g. Affidavit of Legal Interest;
  - h. Application;
  - i. Neighborhood Map;
  - j. Open Space and Amenities Exhibit;
  - k. Statement of Intent.

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

Noticing Requirement	Required Date	Completion Date
Letter of Acceptance		07/14/2025
Radius Notice	07/27/2025	07/14/2025
Agency Notice	07/27/2025	07/14/2025

Property Posting Sign	08/01/2025	07/25/2025
Affidavit of Property Posting and Photos	08/04/2025	07/25/2025

11. No written public comments were submitted to the city.
12. Agency Comments were received from:
  - a. City Engineer
  - b. Department of Environmental Quality
  - c. Central District Health
  - d. Idaho Transportation Department
13. On August 11, 2025, a public hearing before the Garden City Council was held:
  - a. This section will be completed after the hearing.
14. The record contains:
  - a. Application
  - b. Agency Comments
  - c. Noticing Documents
  - d. Staff Report
  - e. Hearing Minutes
  - f. Hearing Audio
  - g. Signed Findings of Fact, Conclusions of Law, and Decision
15. In consideration of a final subdivision the planning official or designee has found that the final subdivision is in substantial compliance with the preliminary subdivision approval:

The below are staff suggested reasoned statements. The City Council may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.			
<b>GCC 8-5B-3: FINAL SUBDIVISION PROCESS</b>			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			<b>Finding:</b> The number of buildable lots is the same or fewer <b>Reasoned Statement:</b> The number of buildable lots is the same as the approved preliminary plat.

X			<b>Finding:</b> The amount of common open space is increased
			<b>Reasoned Statement:</b>  There has been no change to the amount of common space.
X			<b>Finding:</b> The amount of open space is relocated with no reduction in the total amount
			<b>Reasoned Statement:</b>  There has been no change to the open space.
X			<b>Finding:</b> The number of open space lots has been increased
			<b>Reasoned Statement:</b>  The number of lots are consistent.
X			<b>Finding:</b> The transportation authority has required minor changes
			<b>Reasoned Statement:</b>  The transportation authority has not required any changes that warrant a re-review of the application.
X			<b>Finding:</b> The general configuration has changed by less than ten percent (10%)
			<b>Reasoned Statement:</b>  The configuration has not changed.
X			<b>Finding:</b> The planning official or designee has determined there is a substantial difference in the final subdivision than that which was approved as a preliminary subdivision or that the conditions have not been met.
			<b>Reasoned Statement:</b>  The final plat subdivision proposal is consistent with the preliminary plat approval, and the preliminary subdivision conditions of approval are still required of the application.

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

### **CONCLUSIONS OF LAW**

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

### **DECISION**

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Decision, the Garden City Council hereby **APPROVES/DENIES** application SUBFY2025-0001 for a Final Plat Subdivision subject to the following conditions:

### **POTENTIAL CONDITIONS FOR APPROVAL DECISION**

#### **Prior to City Signature on Plat:**

1. The final plat shall be in conformance with this approval as reviewed and approved or otherwise conditioned through this approval.
2. Easements:
  - a. As required by the City Engineer or this decision easements shall be provided.
  - b. All easements must be noted on the plat either directly or by instrument number (generally preferred method) or otherwise recorded.
  - c. Easements shall define the grantee and adequate information to depict the location of the easement such as a legal description and illustration.
  - d. Easements shall be unobstructed unless otherwise specified.
  - e. At a minimum, the following easements shall be provided:
    - i. Public utility:
      1. 30' wide public utility easement along the common drive as noted on the preliminary plat
    - ii. Water and sewer:
      1. If not otherwise designated by the City Engineer the total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
      2. 30' wide sewer easement per INST. No. 459612 & 2014-096767
    - iii. Drainage
    - iv. Common open space and landscaping easement(s)

3. Provide a note on the final plat to read, "Building setback lines shall be in accordance with the approved planned unit development application, Garden City file number SUBFY2025-0001".
  - a. The approved reductions from the code required setback are:
    - i. Lots 1-14:
      1. Side Yard Setbacks: 0'
4. For Clarification, let it be known that:
  - a. Lot 1 & 8:
    - i. The front setback shall be considered the area between the public right-of-way and E. 43<sup>rd</sup> Street.
    - ii. The rear setback shall be considered the area between the structure's garage and the common drive.
    - iii. The side setback shall be considered the common wall between units.
  - b. Lots 2-7, and 9-14:
    - i. The front setback shall be considered the area between the structure's front door and garage and the common drive (as approved).
    - ii. The rear setback shall be the area between the structure and the southern property boundary line as shown in the approved plans.
    - iii. The side setback shall be considered the common wall between units.
5. Common Lots:
  - a. The common driveway, open space, and other common areas shall be included in an easement or on a common lot noted as unbuildable.
  - b. All common open spaces shall be located on common lots or within an easement.
  - c. Common lots shall be noted as unbuildable on the plat.
  - d. Lot 15 shall be considered a common lot.
  - e. The common lot is permitted to reduce in size or be eliminated provided that an easement is granted for the common open space. The easement shall be dedicated to the subdivision's HOA for maintenance of all common open space amenities and landscaping.
6. A building envelope within which future building footprints will be located shall be shown on the lots.
7. A binding contract that establishes the party or parties responsible for the repair and maintenance of the common lots including regulations for the funding shall be recorded with a final plat. No building permit shall be issued until the contract has been recorded.
8. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho."

9. A sustainability checklist shall be submitted for review that demonstrates compliance with or an exemption from Garden City Code 8-4G for each anticipated lot and or structure prior to final plat signature.

**Prior to approval of construction plans:**

1. The site plan and subsequent construction shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. All streets and driveways shall adhere to the standards of a clear vision triangle.
3. A Floodplain development permit is required.
4. An ability to serve letter performed by the city engineer shall be provided.
5. Landscaping:
  - a. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
  - b. If any trees are to be removed from the site, a tree mitigation plan must be submitted and 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.
  - c. 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.
    - i. The frontage of E. 43<sup>rd</sup> Street shall have a total of 3 class II or III trees with high and wide branching canopies.
  - d. A minimum of five percent (5) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
  - e. 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.
    - i. Staff shall verify compliance with the code.
  - f. Perimeter landscaping shall be provided along the western property boundary in accordance with 8-4I-5.
  - g. 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.
  - h. 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.
  - i. 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.
- j. All plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
  - k. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
  - l. The landscaping plan may be amended, and reviewed at a staff level, to ensure compliance with Garden City Code 8-4I Landscaping and Tree Protection Provisions, and 8-4L-4 Common Open Space provided that there is equal or greater landscaping provided and no reduction in tree canopy. All other changes to landscaping must be approved by the Design Review Committee or decision maker.
6. Pressurized irrigation shall be provided in conformance with Garden City Code 8-5A-5H. Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
7. Terminal views within the site should be provided via landscaping, landmarks, or significant site features. The applicant shall work with Development Services staff or otherwise return to the Design Review Consultants for approval of the terminal view.
8. Any future fence shall be in compliance with Garden City Code 8-4A-3 Fence and Walls.
9. All light fixtures must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.
- a. Any parking area utilized for more than two dwelling units and which is intended to be used during non-daylight hours shall be properly illuminated to increase security and avoid accidents. Any lights used to illuminate parking lots shall be arranged so as to direct the light from trespassing on adjoining property
10. All utilities on the site and in the right-of-way adjacent to the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
11. Driveway openings in curbs shall comply with the requirements of the Transportation Authority.
12. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along 43<sup>rd</sup> Street.



13. Vehicular parking:
  - a. Parking spaces shall meet the minimum dimensional standards set forth in GCC 8-4D.
  - b. The parking shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
14. Bicycle Parking:
  - a. Bicycle parking spaces shall be placed in such a way that when mounting and dismounting the bicycles do not reverse into the sidewalk traffic area, the common drive, nor 43<sup>rd</sup> Street.
15. All stormwater systems must comply with Garden City Code 8-4A-7.
  - a. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Such swales shall also be designed to accommodate the required number of trees as approved or required.
  - b. 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.
  - c. Plant materials shall be a species that are able to withstand the anticipated changes in soil wetness and moisture levels.
16. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications, and ordinances.

**Prior to approval of building permits for structures:**

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. The floorplans shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
3. All structures shall adhere to the requirements of GCC 8-4H Flood Hazard should the FEMA flood insurance maps be updated prior to building permit submittal.
4. All structures that are not in the regulatory floodplain, but are anticipated to be in the floodplain per the FEMA Flood Insurance Study of 2020, except for those dedicated solely to storage, access, or parking, and utilities thereof, shall be built with the lowest floor at or above the anticipated base flood elevation, refer to Garden City resolution 1083-20.
  - a. An elevation certificate shall be submitted to the City verifying compliance with this condition.
5. The subdivision must obtain Ada County Approved addresses for all new lots.

6. All HVAC systems and outdoor service and equipment areas shall be identified in building plans for permit review and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
  - a. Any transformers or other utility equipment required by Idaho Power will need to be screened from view
7. All units adjacent to the streets shall have a primary entrance on the street.
8. Setbacks for all lots shall be from the property lines.
9. All front entryways shall have a covered porch, dormer, stoop, decorative posts, or roof in accordance with Garden City Code 8-4B-3. The applicant shall work with Development Services staff or otherwise return to the Design Review Consultants for approval.
  - a. The first-floor facades of units 1 and 8 facing 43<sup>rd</sup> Street shall incorporate pedestrian level architectural features.

**For the Duration of the Use:**

1. Construction noise that is disruptive to the neighborhood shall be limited to Monday through Saturday from 7:00 am to 8:00 pm unless residents within 300' and the city have been notified in advance of the specific days which it will be necessary to exceed this limitation.
2. All streets and driveways shall adhere to the standards of a clear vision triangle.
3. Landscaping:
  - a. The property owner is responsible for the maintenance of all landscaping and screening devices required.
  - b. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem.
  - c. Dead plant materials shall be replaced equal or larger species.
  - d. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
  - e. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
  - f. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
  - g. The landscape installation shall stabilize all soil and slopes.
4. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.

5. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
6. All common open spaces shall be located on an open space easement with the grantee being Rivervillas Subdivision or be located within a common lot.
  - a. The common open spaces shall not be altered or eliminated by individual property owners.
  - b. The subdivision shall maintain all open spaces in accordance with Garden City Code 8-1C Property Maintenance Provisions as well as Garden City Code 8-4L Open Space Provisions.

**General:**

1. This approval is for a preliminary plat for a residential subdivision encompassing 15 lots – 14 lots are to be designated for residential use, and 1 lot is to be designated as common lots.
2. This approval is based on the following plans:
  - a. Preliminary plat submitted on March 21, 2025, dated March 11, 2025
  - b. Landscape Plan Submitted on December 11, 2024, dated October, 2024;
  - c. Architectural Elevation Plans and Floor Plans submitted on December 11, 2024, dated December 22, 2024;
  - d. Architectural Elevation Perspective for Building Type 1 submitted on March 21, 2025;
  - e. Site Plan Submitted March 3, 2025, dated December 22, 2024;
  - f. Open Space and Amenities Exhibit submitted April 1, 2025, dated October 2024.
3. Approved waivers to Garden City Code, Title 8 regulations include:
  - a. Setbacks, allowing for interior of the development side setbacks of 0'; and
  - b. More than 4 dwelling units being served through a common drive, allowing for 14 units to be served on a common drive;
  - c. Common open space, allowing for 8% of the site to be dedicated towards common open space.
4. RECOMMENDATION: As of the date of this writing, the Federal Emergency Management Agency has issued Digital Federal Insurance Rate Maps (DFIRM) which identifies Garden City in seclusion. The most current flood mapping model proposes to delineate the subject properties to be within the 100-year Floodplain once the seclusion is lifted. The applicant should consider that any new structures must have the top of the lowest floor 2' above BFE (as defined by adopted FIRM) pursuant to current Garden City Code. This approval is conditioned that structures at least to at or above the anticipated BFE. Stricter standards may be required in the future for building permit approvals if the floodplain is updated.
5. There is no guarantee that public parking will remain public.

6. The development shall be initiated within two (2) years of the date of approval.
7. The applicant shall comply with all requirements of the reviewing entities.
8. 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.
9. Approval of the subdivision does not constitute as the approval for any uses.
10. The approved addresses and a copy of the recorded plat must be provided to the city prior to the city considering the subdivision complete.
11. The approval is specific to the application provided and reviewed.
12. This approval is for this application only. Additional permits, licenses, and approvals may be necessary. All other applicable permits must be obtained.
13. 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.
14. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction and recordation of the final plat. Any changes to the plans and specifications upon which this approval is based, other than those required by the conditions noted in this decision, will require submittal of an application for modification and approval of that application prior to commencing any change. Final approval is based on conformance with the plans reviewed and approved.
15. Any changes to the design of this project shall be reviewed by the Design Review Consultants for compliance with Garden City Code 8-4. Other changes that are not in conformance with the approval shall be remanded to the decision-making body.
16. No subdivision plat required shall be recorded by the Ada County Recorder until such subdivision plat has received final approval by the Council. No public board, agency, Commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Title until final plat has received the approval by the Council.

17. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing any permits or signing the final plat.
18. In the event that an applicant and/or owner cannot complete the non-life, safety, and health improvements, within the time specified in the final subdivision approval or prior to occupancy, the City may require a surety agreement in accordance Garden City Code. Unless financial guarantees of improvement completion have been accomplished, no approval of the final subdivision or recording thereof shall be permitted unless the applicant provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.
19. The Development Services Director may enter into a restricted build agreement on the City's behalf, provided the agreement is compliant with the approved restricted build agreement policies.
20. This approval shall expire two (2) years from its approval, unless otherwise extended as allowed by Garden City Code.
21. Approval shall become null and void if the applicant fails to record a final subdivision within two (2) years of the approval. If the timetable is not met and the applicant does not receive a time extension, the application will expire and become null and void.
22. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.
23. 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.
24. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
25. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the action and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
26. A takings analysis pursuant to Idaho Code may be requested on final decisions.
27. 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.

August 11, 2025

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Mayor, John G. Evans

Date

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