



CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714
Phone (208)472-2921 □ Fax (208)472-2926

STAFF REPORT

File Number: SUBFY2025 - 0001, Rivervillas Subdivision

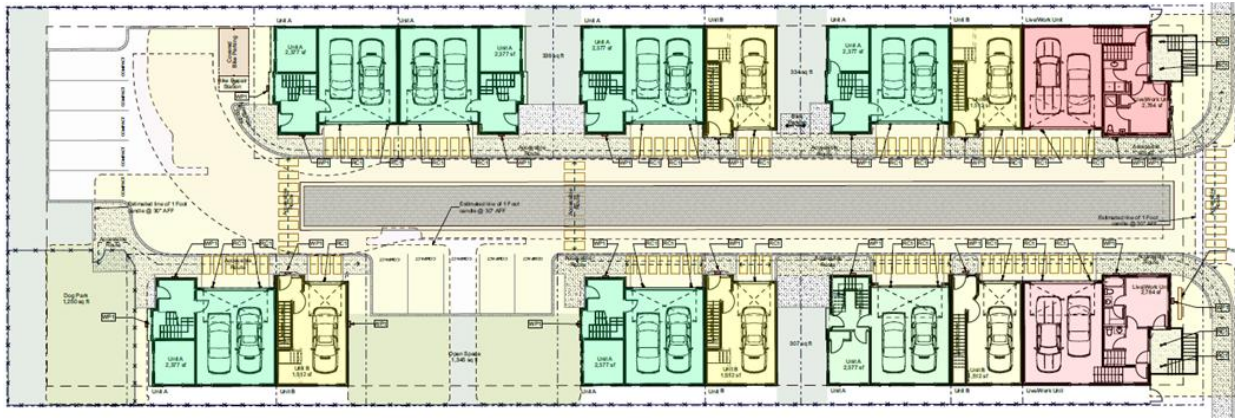
For: Final Plat and Planned Unit Development

A 15-lot residential subdivision

Location: 606 E. 43rd Street

Applicant: Connor Lindstrom

Report Date: August 11, 2025



Staff Report

Report prepared by Hanna Veal

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

Individual links:

1. Final Plat Application Materials
 - a) SUBFY2025 – 0001 [Final Plat Application Submittal 06/04/2025](#)
2. Historical Decision
 - a) [City Council Preliminary Plat Decision](#)
 - b) [City Council Approved Preliminary Plat Site and Landscape Plan](#)
3. Agency Comments: linked in [Section F](#)
4. Public Comments: linked in [Section G](#)
5. Noticing Documents
 - a) [City Noticing](#)
 - b) [Property Posting for City Council](#)
6. City Council Draft Potential Decision

B. Recommendation Summary:

Staff Recommendation:

The process governing the final subdivision procedure is found in [G.C.C. § 8-5B-3](#). Pursuant to the code, a final plat is reviewed by the planning official, which is the recommending authority, and the city council is the final decision-making body. G.C.C. §§ [8-5B-3.D](#); [8-6A-2.E](#); [Table 8-6A-1](#); [Table 8-6A-3](#).

The planning official reviewed this final subdivision submittal, for “substantial compliance” with the preliminary subdivision and has found the submittal to be in substantial compliance with the preliminary submittal.

C. Project Information

Proposed Scope of Work:

This application is for a final plat subdivision 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

Plat: The drawing, mapping, or planning of a subdivision, cemetery, town site or other tract of land or a replatting of such, including certifications, descriptions, and approvals.

Final Plat: The final and formal presentation by drawings of an approved subdivision development, the original and one (1) copy of which are filed with the county clerk and recorder.

Review Process: This application is reviewed under Garden City Code, [8-5B-3 Final Plat Subdivision Process](#).

Site Conditions:

- 1) Street Address: 606 E. 43rd Street
- 2) Parcel Number(s): R2734521681
- 3) Subdivision: FAIRVIEW ACRES SUB NO 03
- 4) Property Size: 0.690 acres
- 5) Zoning District: C-2 General commercial
- 6) Comprehensive Plan Land Use Map Designations:
 - a) Mixed Use Residential
 - b) Activity Node: Neighborhood Destination
- 7) Legal Parcel of Record: Yes
- 8) The project is in the:
 - a) 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).
 - b) Within the 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 9) Surrounding Uses within 600 feet:
 - a) Dwelling unit, single family attached
 - b) Dwelling unit, single Family detached
 - c) Multi-family development
 - d) School (Future Public School) and Boys and Girls Club
 - e) Manufactured/mobile home park
 - f) Service Provider(s)
 - g) Greenbelt
 - h) Existing Use: Non-conforming use of, and no record of, vehicle storage and services. The site does not have grandfather rights for vehicle uses.
- 10) Easements on site: None
- 11) Site Access: 43rd Street
- 12) Sidewalks: Sidewalks are installed and are in good repair
- 13) Wetlands on site: None identified

Project Details:

- 1) Proposed development: Residential Subdivision - Final Plat – Processed as a Planned Unit Development
- 2) Total number of lots: 15
 - a) Common: 1
 - b) Residential: 14
 - i) Live-Work: 2

- 3) Density: 20.3 Dwellings per acre
- 4) Site Coverage: 25,635sqft
 - a) Building: Unknown % of the site
 - b) Landscaping: 29% of the site
 - c) Paved Areas: Unknown % of the site
- 5) Access: E. 43rd Street
- 6) Total number of vehicular parking spaces: 33
 - a) Enclosed: 23
 - b) Surface: 10
- 7) Total number of bicycle parking: 10
 - a) Covered Surface: 10
- 8) Refuse: Republic Services will pick up individual services internal to the development
- 9) Fencing:
 - a) 6' tall vinyl privacy fencing
 - b) 4' tall metal fence
- 10) Sidewalk: Existing attached sidewalk to remain.
- 11) Landscaping: 3,120sqft
 - a) Perimeter Landscaping: provided
- 12) City Utilities
 - a) Water and Sewer connection to lots
 - b) Hydrant
- 13) Proposed Easements:
 - a) Maintain the existing 30' Sewer Easement per INST. No. 459612 & 2014-096767
 - b) Proposed 30' Utility Easement along common drive
- 14) PUD Adjustments requested:
 - a) More than four lots on a common drive
 - b) Reduction of setbacks
 - c) Common open space

D. 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
Final Plat Subdivision	Planning Official	City Council: Hearing 8/11/2025

Required Findings:

For the approval of a FINAL PLAT subdivision application the planning official or designee shall review the final subdivision for substantial compliance with the approved or conditionally approved preliminary subdivision. The final subdivision shall be determined in substantial compliance with the preliminary subdivision, notwithstanding the following changes:

1. The number of buildable lots is the same or fewer;
2. The amount of common open space is increased;
3. The amount of open space is relocated with no reduction in the total amount;
4. The number of open space lots has been increased;
5. The transportation authority has required minor changes; or
6. The general configuration has changed by less than ten percent (10%).

If the number of buildable lots has increased or there has been an overall reduction in the amount of open space, the final subdivision shall be determined not to be in substantial compliance with the preliminary subdivision. If the planning official determines that there is substantial difference in the final subdivision than that which was approved as a preliminary subdivision or conditions which have not been met, the planning official may require that a new preliminary subdivision be submitted to the city.

Required Decision

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision shall report whether the application is granted, granted with conditions, or denied. The decision also needs to include the facts upon which it is based, the ordinance and standards used in evaluating the application, reasoned statements that specifically address all required findings and all disputed facts, and a conclusion of law. It is important that the decision maker carefully reviews the reasoned statements to ensure that the disputed facts brought up during the hearing are addressed. Finally, if there is a decision to deny the application, the decision needs to include the actions, if any, that the applicant could take to obtain approval.

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the City Council is the final decision maker for the requested application.

City Council Decision

The City Council may take one of the following actions:

1. Sustain the Planning Official's recommendation;

2. Sustain the Planning Official's recommendation with modifications;
3. Reject the Planning Official's recommendation.

Motion

A motion should include a clear statement of the recommendation, for example:

1. Action: "I move to approve/deny/continue the application to the date certain of..."
2. File number
3. Note findings of fact, conclusion of law, and decision: "As recommended by the Planning Official," or "as amended to..... remove, amend, or add conditions."

The City Council may wait to formalize the written decision at the next meeting to ensure that written decision correctly reflects the proceedings and decision maker's findings of the disputed facts. However, the City Council is required to formalize its decision no later than by the next regular scheduled meeting after the conclusion of the hearing.

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.

E. 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
Central District Health Link to Comment	7/22/2025	After written approval from appropriate entities are submitted, CDH can approve the central water and sewage. The plans for central sewage and water shall be submitted to and approved by the Idaho Department of Environmental Quality.
Garden City Engineer Link to Comment	7/23/2025	<p>The City Engineer was unable to perform a full review due to missing materials.</p> <p>The majority of the comments are from the previous review dated January 18, 2025. Any approval of the project should be conditioned upon successfully addressing items presented in his review. There may be duplicate comments.</p>

		The final plat, if compliant with the approved preliminary plat, may be approved subject to subsequent additional material being submitted which contain all the necessary information for a full review.
Idaho Department Link to Comment	7/14/2025	ITD does not have any comments.
Department of Environmental Quality Link to Comment	7/21/2025	General comments.

F. Public Comment

No public comment has been submitted to the city as of August 4, 2025.

G. 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			
8-1A-4 Applicability			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.
8-5B-3 Final Subdivision Process			
8-5B-3 B Contents of final Subdivision	PO/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	<p>B. Contents Of Final Subdivision: The final subdivision shall include and be in compliance with all items required under Idaho Code section 50-1301 et seq. The final subdivision submittal shall include at least:</p> <ol style="list-style-type: none"> 1. A written application for approval of such final subdivision as stipulated by the city; 2. Proof of current ownership of the real property included in the proposed final subdivision and consent of recorded owners of the subdivision; 3. Such other information as the planning official or city engineer may deem necessary to establish whether or not all proper parties have signed and/or approved said final subdivision; 4. A statement of conformance with the approved preliminary subdivision and meeting all requirements or conditions thereof; 5. A statement of conformance with all requirements and provisions of this title;

			<p>6. A statement of conformance with acceptable engineering, architectural and surveying practices, and local standards; and</p> <p>7. A copy of the CC&Rs for recording.</p> <p>The applicant submitted drawing/reports that were not stamped, signed, nor dated by the design professional.</p> <p>As such, the City Engineer was unable to perform a review of the submitted drawings/reports. However, the final plat, if compliant with the approved preliminary plat, may be approved subject to subsequent additional submittals containing all necessary information for a full review.</p>
8-5B-3C.2 Substantial Compliance	PO/CC	No compliance issues noted	<p>The planning official or designee shall review the final subdivision for substantial compliance with the approved or conditionally approved preliminary subdivision. The final subdivision shall be determined in substantial compliance with the preliminary subdivision, notwithstanding the following changes:</p> <ol style="list-style-type: none"> (1) The number of buildable lots is the same or fewer; (2) The amount of common open space is increased; (3) The amount of open space is relocated with no reduction in the total amount; (4) The number of open space lots has been increased; (5) The transportation authority has required minor changes; or (6) The general configuration has changed by less than ten percent (10%). <p>Generally, if a final plat is consistent with the law, the comprehensive plan, the preliminary plat, and the changes and conditions required at the preliminary plat stage, the city council should approve the final plat.</p> <p>Approved: 14 buildable, 1 common Proposed: 14 buildable, 1 common</p> <p>There has not been any change in proposed use or significant changes in proposed design of structures/layouts.</p> <p>Subsequently, staff believes that the final plat is within substantial conformance with the preliminary approvals and does not recommend that the proposal be remanded.</p>

			The final plat and construction plans must be in conformance with the City Council approvals prior to being approved for construction or for recordation.
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process		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.
8-6A-4 Required Application Information		Compliant as Conditioned	<p>Application waivers were not formally requested; however, the submitted documents lack information in order for the city engineer to perform a complete review.</p> <p>The applicant submitted drawing/reports that were not stamped, signed, nor dated by the design professional.</p> <p>As such, the City Engineer was unable to perform a review of the submitted drawings/reports. However, the final plat, if compliant with the approved preliminary plat, may be approved subject to subsequent additional submittals containing all necessary information for a full review.</p>
8-6A-7 Public Hearing Process		No compliance issues noted	The City provided a radius notice, legal notice, and notifications to agencies with jurisdiction. 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.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6513 Local Land Use Planning Subdivision Ordinance	<p>Garden City has, by ordinance, adopted hearing procedures compliant with section 67-6509, Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329, 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>

	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 67-8003 , Idaho Code, consistent with the requirements established thereby.
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