

PLANNING AND ZONING COMMISSION RECOMMENDATION

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:)	SUBFY2025-0002
)	
)	
Combined Preliminary & Final Plat Subdivision)	FINDINGS OF FACT
Stateside Subdivision)	CONCLUSIONS OF LAW,
6515 W. State Street)	AND DECISION
Garden City, Ada County, Idaho)	
_____)	

THIS MATTER came before the Garden City Council for consideration on July 28, 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 name of the proposed subdivision has been reserved as the Stateside Subdivision.
2. The application is for a Combined Preliminary and Final Plat Subdivision.
3. The applicant is Jeremy Wright, Brighton Development, Inc.
4. The property owner of record is LB RIVER CLUB OWNER LLC.
5. The location of the project is:
 - a. 6515 W. State Street; Taxing Parcel Number: S0630212980; Property is described as PAR #2980 OF SE4NW4 SEC 30 4N 2E PARCEL E ROS 14617 IN TCA 06-3 #223350-S.
 - b. W. State Street; Taxing Parcel Number: S0630212970; Property is described as PAR #2970 OF NE4NW4 SEC 30 4N 2E PAR E ROS 14617 IN TCA 06-15 #21290-S
6. The subject property is 10.28 acres.

7. The project is located in the Activity Node: Neighborhood Destination, Green Boulevard Corridor, Residential Low Density, and Future Park/Open Space designations of the Comprehensive Plan Future Land Use Map.
8. The project is in the SAPD Specific Area Plan Zoning District.
9. A portion of the project is in the floodplain according to the 2003 FIRM.
10. A portion of the project is in the floodplain according to FEMAs most recent modeling of the Lower Boise River, adopted by resolution 1083-20.
11. The following section of the Garden City Development Code applies to this proposal:
 - a. Garden City Code 8-5: Land Division Regulations
 - b. Garden City Code 8-5C: Subdivision Located Within a Floodplain
 - c. Garden City Code 8-8A: Adopted Specific Area Plan - Residence at River Club
 - d. Garden City Code 8-1B: Existing Nonconforming Properties, Structures, and Uses
 - e. Garden City Code 8-4H: Flood Hazard
 - f. Garden City Code 8-4G: Sustainable Development Provisions
 - g. Garden City Code 8-6: Administration – General Provisions
 - h. Garden City Code 8-7B: Description of Application Requirements
 - i. Garden City Code 4-14: Storm Drainage and Erosion Control
 - j. Garden City Code Title 6: Public Water and Sewer Systems
12. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived	
X			Compliance Statement
X			Preliminary Title Report
X			Neighborhood Map
X			Subdivision Map
X			Master Plan
X			Site Plan
X			Landscape Plan
X			Schematic Drawings
X			Lighting Plan
X			Topographic Survey
X			Grading Plan
X			Soils Report
X			Hydrology
X			Engineering Drawings and Specifications
X			Natural Hazards and Resource Analysis

X			Dedications and Easements
		X	Covenants and Deed Restrictions
X			Will Serve
X			Subdivision Name Reservation
		X	Master Sign Plan
	X		Verification that address is an Ada County Approved Address*
Other Materials Provided			
			Trash Disposal Plan Water Rights Analysis – Silver Lake, BVID Neighborhood Meeting Documents Vesting Deed Deed for Parcel E ACHD State Street and Pierce Park Lane Construction Plans Architectural Renderings Open Space Exhibit Street Name Review by Ada County Sustainability Checklist Tree Inventory and Arborist Report

*Items that may be required for reviews later.

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

Noticing Requirement	Required Date ¹	Completion Date
Receipt of application		02/10/2025
Pre-Application Letter		03/10/2025
Pre-Application Meeting		03/31/2025
Letter of Acceptance		04/25/2025
Radius Notice	06/03/2025	05/05/2025
Interested Parties		05/06/2025
Legal Notice	05/30/2025	05/08/2025
Agency Notice	06/03/2025	03/10/2025 05/05/2025
Property Posting Sign	06/08/2025	06/06/2025
Affidavit of Property Posting and Photos	06/11/2025	06/06/2025

14. Agency Comments were received from:

- ACHD, April 9, 2025
- North Ada County Fire and Rescue, March 19, and April 8, 2025
- Central District Health, March 14, and May 9, 2025
- COMPASS, May 30, 2025
- Department of Environmental Quality, March 17, and May 12, 2025

¹ This date is based on the date of the first of any public hearing scheduled.

- f. Drainage District #2, May 8, 2025
- g. Flood Control District 10, March 18, and May 22, 2025
- h. Idaho Department of Transportation, April 2, 2025, and May 6, 2025
- i. City Engineer, June 2, 2025

15. The City received timely public comments for the June 18th Planning & Zoning hearing from the following:

In Support		
Robert DeBolt		
In Opposition		
David Leroy	Eric and Andrea Fogleman	Ronney Reagan
David Patterson	Lisa Romanoski	
Debra Riedel	Louis Stoddard	

16. The City received timely public comments for the July 8th Planning & Zoning hearing from the following:

In Support		
Adam Fuchs	James Gorczyca	Mary Elizabeth Baker
Adam Krueger	James & Renee' Lovejoy	Mary Jo Nyblad
Allan Rogers	Janet Young	Matt Williams
Allen Rogers	Janice Street	Matthew Murray
Andrea Richter	Jason Dobis	Michael Bonocore
Andrew Maloof	Jean & Bruce Christensen	Michael Chalom
Anne & Bill Connors	Jeff Cliff	Michael Cline
Arnold Wagner	Jennifer Deroin	Michael Menlove
Audrey & Joseph Leaf	Jeremy D. Miller	Michelle Harmon
Barbara Bunner	Jerrie Ratto	Mickey Pedersen
Barbara Motooka	Jerry Schofield	Mike Jones & Annie Brother
Barbara & Doug Perry	Jerry & Marilyn Sorensen	Mike Nero
Becky Zimmer	Jim & Merridee Wark	Mike Strong
Benny Johnson	JoAnn Burrell	Mike & Karen Boyd
Beth Weismann	Joanne Thompson	Mike – Save Plantation Coalition
Bettina de Beer	Joe & Marcia Bleymaier	Monica Bristow
Bob DeBolt	Joe Weismann	Nancy Cenell
Bruce & Jean Christensen	John Deroin	Nancy Gersack
Bryan Collins	John Huffman	Nate & Deanna Turner
Caitlin Cople	Johnney B. Miller, Jr.	Nate Turner

Carmen Hunter & John White	Jole Voulelis	Patti Perkins
Chris & Gary Niebrand	Jori & Murali Bathina	Peter & Linda Snowden
Chris & Julie Cramer	Josh Kingsley	Rachael Bickerton
Chris & Maire Tillman	Joyce & John Raudabaugh	Randy & Nan Miller
Chris Casey	Judi and Gerry Branch	Raquel Montgomery
Chris Majors	Julie Rambo	Rick Latham
Chris Perry	Justin Stenquist	Rita & Bob Franklin
Chuck & Barbara Kennedy	Karen Banyard & Robert Running	Ritch & Maggie Blackstead
Clark Bilyeu	Karen Tino	Robert & Mike Burkett
Clayton Miller	Kate Souza	Robert & Phyllis Brewton
Clint Sievers	Katherine & Leon Panos	Robin Gorczyca
Colleen Huffman	Kathleen Zielinski	Sam Huston
Colleen Lambertz	Kathy Clancy	Scot & Sarah Scheffel
Collen Lmbertz	Kathy Enright	Scott A Stingley
Dan R. Allumbaugh	Kaydeen Burkett	Scott A. Stingley
Dana Gordon	Keli Elledge	Scott Butler
Danielle Horras	Kelleen (Kelly) Blake	Scott Ellsworth
Dave & Shelly Parker	Ken Malach	Scott & Cheryl Moore
Dave Elledge	Kendra Pieroni	Shawn & Cindy Reilly
David & Becky Meyer	Kevin & Diana Helmick	Sheila Pugatch
David Foster	Kimber Miller	Shelley Gordon
David Heffner	Kimberly Beswick	Sheryl Scott
Deanna Turner	Kris Robinson	Solymar Palm
Dennis & Kathy Petersen	Kristen Colter	Stan Slyter
Dennis Beebe	Kristen Hilvers	Stan Tonkin
Dennis Huston	Kristin Barton	Steven Smock
Dick Curtis	Lacy & Joe Hazel	Sue & Dave Gray
Doug L Werner	Laura Donaldson	Suzanne Frederick
Durwood "Dodie" Birdsall	Laurie Luke-Strong	Tamyra Gent
Duster Palmer	Lee Barton	Terri Nero
Dustin Colter	Leona (Janelle) Curtis	Thomas E Donahoe
Elizabeth Paulson	Linda S Morrison	Tim & Susan Bundgard
Ellis Perry	Lisa M. Gardner	Todd Bennett
Eric & Laranne Oser	Lori Jackson	Todd K Walker
Eric White	Lorrie Asker	Tom & Kaylin Murray
Erik Helgeson	Louis Pagano	Troy Little
Eva McKelvey	Louis Ratto	Tsunny Morton
Gary Spiers	Louis Voulelis	Uarda Coombs
Gene Vernon	Luke Cuccia	Vicki Malloy

Gerre Pagano	Lynn Thomas	Vicki White
Gina Smith-Winegar	Lynn Thomas	Vince Derig
Harriet Crist	MJ Byrne & Edward Altman	Walter & Sonja Johnson
Howard Teutsch	Mark Broz	Whitney Lippincott
Jack Lynch	Mark & Christina Johnson	William Post
James (Jim) Peterson	Martha Musial	William Whitney
James Cannon	Mary Ann Arnold	Marilee Pospahala
In Opposition		
Alicia Baptiste	Lawrence B. Campbell	Stanley Slyter
Brently Bird and Kelly Holzscheiter	Mike Downey	
Donald and Michelle Weese	Pete Edmunds	

17. The City received timely public comments for the July 28th City Council hearing from the following:

In Support		
Adam Krueger	Grace & James Oldham	Patricia Perkins
Andrea Coddens	Ken Cherry	Richard Curtis
Bill & Anne Connors	Kristen Colter	Rich & Maggie Blackstead
Chris Perry	Lisa M. Gardner	Scott & Cheryl Moor
Deanna Turner	Lou & Gene Pagano	Stan Tonkin
Ellis Perry	Mike Aboussie	
Genger Fahleson	Mike Nero	

18. On June 18, 2025, a hearing was held before the Garden City Planning and Zoning Commission. A summary of the hearing is as follows:
- The applicant, staff, and members of the public were present.
 - Due to technical difficulties within the Council Chamber Room, the application was not heard. The Commission continued the hearing to a Special Hearing on July 8, 2025.
19. On July 8, 2025, a Special Meeting was held by the Garden City Planning and Zoning Commission. A summary of the hearing is as follows:
- Chairperson Montoya introduced the matter.
 - Jon Wardle presented the application.
 - Hanna Veal provided the staff report.
 - Note: Approximately six minutes of the audio recording were unclear; a transcript of this portion is attached based on Staff's speech notes. The audio of the video recording is missing from timestamp 32:06 to 39:30. However, a full audio backup recording is available and was used to complete the meeting minutes for this portion.
 - Chairman Montoya opened the public testimony portion of the hearing. He

conducted a show of hands to gauge public sentiment regarding the application. Based on varying individual counts, approximately 108 to 114 attendees indicated support for the proposal, while 12 individuals expressed opposition.

- e. Public testimony was provided by:
 - i. Dave Leroy provided spokesperson testimony in opposition representing:
 - 1. John and Lynn Livingston
 - 2. Lou and Marilyn Stoddard
 - 3. Andrea and Eric Fogelman
 - 4. Pete and Kristi Edmunds
 - 5. Michele Weese.
 - ii. Dan Hollard provided spokesperson testimony in opposition representing:
 - 1. David Peterson.
 - iii. Kahle Becker - in opposition
 - iv. Rachel Bickerton (and on behalf of husband Tom Donahoe) - in support
 - v. Philip Gordon - in opposition
 - vi. Lisa Romanoski - in opposition
 - vii. Whilliam Whitney - in support
 - viii. Patti Perkins - in support
 - ix. The following individuals signed up in support of the application, but did not wish to provide testimony:
 - 1. Mike Nero
 - 2. Anne Williamson
 - 3. Nancy Marsh
 - 4. Mike Jones
 - 5. Leslie Eldridge
 - 6. Brody Aston
 - 7. Cherie Palmer
 - 8. Ryan Eldridge
 - 9. Brian Marsh
 - 10. Duster Pulman.
- f. Matters of opposition included:
 - i. The application is in the floodplain.
 - ii. Height compliance due to fill.
 - iii. Buffering of existing neighborhood.
 - iv. Access to Fair Oaks Place.
 - v. Lack of sidewalk standard adherence.
 - vi. Application of the CC&Rs.
 - vii. Developer's lack of financial ability to construct the project.
 - viii. The developer is out of state.
 - ix. Infrastructure adequacy.
- g. Jon Wardle provided a rebuttal.
 - i. The Developer is local, not out-of-state.

- ii. Fair Oaks Place access is gated; emergency access only (e.g., Knox Box).
- iii. Plans will be submitted and reviewed for compliance with floodplain, storm drainage, and utility requirements.
- iv. The road in question is a common driveway.
- v. The Specific Area Plan notes that two or more units can utilize a common drive.
- vi. The application of 8-8A-3D-3.A.6.a. code is only applicable to a parking lot.
- vii. The common drive is 26' wide, allowing two-way traffic and no parking. The buildings are setback by a minimum of 4' from the common drive.
- viii. Large vehicles such as garbage trucks, fire trucks, and school buses can utilize the common drive.
- ix. The staff tree analysis is acceptable.
- x. Sidewalks on the common drive would require that the common open space area be adjusted.
- xi. Site grading may raise areas up to 3' to meet floodplain regulations and engineering requirements.
- h. Chairman Montoya closed the public testimony.
- i. Discussion included:
 - i. Landscaping concerns resolved per staff analysis.
 - ii. This is not the appropriate location to litigate the CC&R application. That is a civil matter, and this application has not been stayed.
 - iii. The roadway functions as a street, not a common driveway; All 134 dwellings, including garbage and emergency services, rely on the street for primary access. Therefore, the sidewalk should be required.
 - iv. If the roadway is classified as a common drive, it is not subject to the same improvement standards required of a private street. However, if it is determined to be a street, then all applicable code requirements for streets must be met.
 - v. The pathways located at the front of the units provide sufficient pedestrian connectivity.
 - vi. The proposal to restrict access to North Fair Oaks Place Subdivision is sufficient to comply with the SAP approvals.
 - vii. Parking Subsection 6 of GCC §8-8A-3D-3(A), does not apply to garages, but rather parking lots.
 - viii. As proposed, the units would require backing directly into the roadway.
 - ix. The definition of alley states that an alley is secondary access.
 - x. Height requirements have consistently been evaluated based on the finished grade at the time of development, rather than the pre-development grade.
 - xi. Staff recommended condition 14 is adequate to address the floodplain and drainage concerns.

- xii. Perimeter landscaping requirements do not apply to areas adjacent to the golf course. Staff recommended Condition of Approval “Prior to approval of construction plans” No. 3(f) regarding perimeter landscaping should be removed.
 - xiii. Sewer separation requires tiling.
 - j. Commissioner Smith moved to recommend approval with the staff recommended decision with the following amendments:
 - i. The roadways shall be classified as streets; therefore, sidewalks are required.
 - ii. The City Council shall apply the staff’s interpretation of the term “frontage” as conditioned.
 - iii. Subsection 6 of GCC §8-8A-3D-3(A), titled “Parking Area Access Requirements,” applies specifically to parking areas that serve multiple parking spaces. Not to be applied to residential garages and private driveways.
 - k. Commissioner Brown seconded the motion.
 - l. The motion passed unanimously.
- 20. On July 16, 2025, a hearing was held before the Garden City Planning and Zoning Commission. A summary of the hearing is as follows:
 - a. At the start of the meeting, the Chairman noted that the public hearing for this item was closed during the special hearing on July 8, 2025. The purpose of this agenda item is to determine whether further discussion is needed based on the staff-prepared draft decision document.
 - b. The Chairman recommended that, if there are no further comments and the draft appears accurate, the Commission move the item to the consent agenda.
 - c. The staff, nor any member of the Commission, noted a reason why this item needed to be heard.
 - d. Commissioner Brown commended staff member Hanna Veal for her exemplary work in accurately summarizing the discussion from the previous hearing and effectively incorporating that summary into the findings and conditions of approval within the decision document.
 - e. The application was moved to the consent agenda and approved.
- 21. A hearing was noticed for July 14, 2025, in front of the Garden City Council. During the City Council meeting on July 14, 2025, the City Council did not open the public hearing and continued the hearing to the date certain of July 28, 2025.
- 22. On July 28, 2025, a public hearing was held before the Garden City Council. A summary of the hearing is as follows:
 - a. This section will be completed after the hearing.
- 23. The record contains:
 - a. Application
 - b. Noticing Documents

- c. Agency Comments
- d. Public Comments
- e. Design Review Consultation Minutes and Audio: May 19, 2025
- f. Planning and Zoning Minutes and Hearing Audio: June 18, 2025
- g. Planning and Zoning Minutes and Hearing Audio: July 8, 2025
- h. Planning and Zoning Minutes and Hearing Audio: July 16, 2025
- i. Planning and Zoning Commission Recommendation
- j. City Council Minutes and Hearing Audio: July 14, 2025
- k. City Council Minutes and Hearing Audio: July 28, 2025
- l. City Council Decision

24. In consideration of a combined preliminary and final plat subdivision the decision maker shall make the following findings:

GCC 8-5B-5: SUBDIVISION PROCESS: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X			<p>Finding 1. The subdivision is in conformance with the Comprehensive Plan.</p> <p>Explanation: As discussed in the staff report dated June 18, 2025, on pages 33-38:</p> <p>The proposed subdivision aligns with the Garden City Comprehensive Plan's land use designations, including "Residential Low Density," "Activity Node: Neighborhood Destination," and "Green Boulevard Corridor." The project supports goals such as Goal 6 (Diversity in Housing), Goal 10 (Plan for the Future), and Goal 12 (Evolve as a Destination) by providing a mix of housing types, supporting transit-oriented development, and enhancing pedestrian connectivity.</p> <p>Garden City's regional transportation planning includes the State Street Corridor Transit Oriented Development plan (State Street Corridor Study"). The State Street Corridor Study was adopted by the City (Res 1077-20) and is reference in the</p>

			<p>Comprehensive Plan which identifies the project location as a Neighborhood Destination Activity Node with proximity to a transit stop and encourages a new and distinctive neighborhood in the area.</p> <p>The density, design, and layout are consistent with the State Street Corridor TOD Plan and the Communities in Motion 2050 regional plan.</p> <p>The project's density of 13 dwelling units per acre, while slightly below the TOD minimum, is within a reasonable range for this designation and is supported by the flexibility allowed in the Specific Area Plan (SAP) code. The proposed three-story townhomes and internal pathway network support the intent of this designation.</p> <p>The project supports the transformation of State Street into a multimodal corridor by incorporating a detached sidewalk and a multi-use pathway along the State Street frontage. These improvements align with the corridor's goals of enhancing pedestrian and transit access, reducing reliance on single-occupancy vehicles, and improving the streetscape with landscaping and buffers.</p>
X			<p>Finding 2. The subdivision is in conformance with all applicable provisions of this title.</p> <p>Explanation: As discussed in the policy review, section H, pages 18-33 of the staff report, June 18, 2025, the application, for the most part is compliant with the applicable sections of code.</p> <p>As conditioned, the proposed subdivision complies with the applicable provisions of Garden City Code.</p>

			<p>While concerns were initially raised regarding GCC § 8-8A-3D-3.A.6.a, which requires forward-motion access onto streets, the Planning and Zoning Commission determined that this provision is intended to apply to larger parking areas and not to individual residential garages or driveways. Therefore, the design of the internal roadways, which allows vehicles to reverse from garages onto private streets, is consistent with the Commission interpretation of the code.</p> <p>Additionally, the absence of detached sidewalks along internal streets does not meet the requirements of GCC § 8-8A-3E-6. However, the Commission included a condition of approval requiring the applicant to install detached sidewalks in accordance with code standards.</p> <p>The City Council concurs with the Planning and Zoning Commission determinations.</p>
X			<p>Finding 3. Public services are available or can be made available; and are adequate to accommodate the proposed development.</p> <p>Explanation: There are public services available that can accommodate the proposed development so as long as the proposal provides access to the State Street and Pierce Park intersection.</p> <p>The City has notified the appropriate agencies and has not received any comments indicating an inability to serve the proposed development.</p>
X			<p>Finding 4. The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program.</p> <p>Explanation:</p>

			The proposed subdivision does not conflict with any scheduled public improvements identified in the city's capital improvement program. The project includes improvements consistent with the State Street and Pierce Park Lane intersection redesign.
X			<p>Finding 5. There is public financial capability of supporting services for the proposed development.</p> <p>Explanation: The city has the financial capacity to support the services required by the proposed development. Public services, including water, sewer, stormwater, and emergency access, are available or can be made available. Conditions of approval ensure that all infrastructure will be reviewed and approved prior to construction and final plat approval.</p>
X			<p>Finding 6. The development will not be detrimental to the public health, safety, or general welfare.</p> <p>Explanation: Matters of dispute that are discussed either within the staff report review, or by a member of the public are addressed below. The Planning and Zoning Commission reviewed each issue and concluded that no item in the record, including those in dispute, would be detrimental to the public health, safety, or general welfare of the community.</p> <p>1. Declaratory Judgement (application of the Plantation Master Association INC. CC&Rs): The declaratory judgement concerns that were raised are not a matter for the city. Idaho Rule of Civil Procedure 84(m) and Idaho Appellate Rule 13.4(c) authorize courts to issue such stays when necessary to preserve the status quo or ensure judicial efficiency. This has not</p>

			<p>been done, and therefore the declaratory judgement is a civil matter.</p> <p>2. Waterway Amenity: The question of whether the waterways are compliant can adequately be addressed through the condition of approval addressing this matter.</p> <p>3. Stormwater and drainage and floodplain regulation: It is a general requirement for all development that construction plans and building permits are reviewed to ensure that standards for stormwater and drainage as well as floodplain regulations are met.</p> <p>4. Noise: The construction will be subject to disturbing the peace regulations.</p> <p>Concerns related to parking and pedestrian access are also addressed. While the application, as submitted, does not fully comply with certain provisions of the Garden City Code, the Planning and Zoning Commission has imposed conditions of approval and provided code interpretations that mitigate these concerns and bring the application into compliance.</p> <p>5. Forward-Motion Parking Requirement: Although Garden City Code § 8-8A-3D-3.A.6.a requires forward-motion access onto streets, the Commission interpreted that this provision is intended for larger parking areas and not for individual residential garages or driveways.</p> <p>6. Sidewalk Noncompliance: The Commission determined that the internal roadways are classified as “private streets” due to the number of units served and the lack of alternative street frontage.</p>
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			<p>While the original design lacks detached sidewalks along several internal streets, the Commission included a condition of approval requiring the applicant to install detached sidewalks in accordance with code standards. This condition ensures safe pedestrian circulation throughout the development.</p> <p>7. Fair Oaks Place Access: The proposed access measures to Fair Oaks Place are deemed sufficient to prevent public access.</p> <p>8. Developer's lack of financial ability to construct the project. That the developer is an out of state developer: No evidence was presented indicating the developer lacks the financial capacity to complete the project as presented. The applicant testified during the hearing that Brighton is not based out of state. Regardless, there is no requirement that a developer be a resident of Idaho.</p> <p>9. Height Compliance Due to Fill: Building height is measured from the finished grade of the development, in accordance with standard practice.</p> <p>10. Buffering of Existing Neighborhood: The Planning and Zoning Commission recommended a condition of approval requiring perimeter landscaping in compliance with code standards.</p> <p>11. Infrastructure Adequacy: Refer to Finding 3.</p> <p>The City Council concurs with the Planning and Zoning Commission's rational.</p>
X			<p>Finding 7. The development preserves significant natural, scenic, or historic resources.</p>

			<p>Explanation:</p> <p>The proposed subdivision demonstrates an integration with the adjacent River Club Golf Course, which serves as a defining scenic feature of the area. Rather than enclosing the development with fencing or dense perimeter landscaping, the design maintains visual and physical openness to the golf course. The subdivision includes a 12-foot-wide landscape easement along the southern boundary, which, while not fully meeting the technical standards of GCC § 8-8A-3G-5, is meeting the intent of the River Club Specific Area Plan (SAP).</p> <p>The project also includes substantial open space, over 21% of the site, exceeding the 10% minimum required by GCC § 8-8A-3H-4.</p> <p>While the removal of mature trees was necessary to accommodate the subdivision, the applicant has submitted a tree mitigation plan in accordance with GCC § 8-8A-3G-7. The plan includes the planting of 395 trees, and a condition of approval has been written requiring full mitigation of the 893 caliper inches subject to replacement, either through on-site planting or through the City's Tree Mitigation Fund Agreement.</p>
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25. The record was reviewed in its entirety by the Garden City Council to render the decision.

CONCLUSIONS OF LAW

The Garden City Council reviewed the application with regard to the Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies** the required findings under GCC 8-5B-5.

CONDITIONS OF APPROVAL

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Garden City Council hereby does **SUSTAIN/ REJECT/ REMAND** the Planning

and Zoning Commission's recommendations as modified and **APPROVES/ DENIES** Stateside Subdivision, application SUBFY2025-0002, for a Combined Preliminary and Final Plat Subdivision subject to the following conditions:

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. A note must be provided on the final plat documenting:
 - a. The current flood zone in which the property or properties are located;
 - b. FEMA FIRM panel(s), FIRM effective date(s), flood zone(s), base flood elevation(s); and
 - c. A note: "Flood zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by this code.
 - d. The boundary line must be drawn on the plat in situations where two (2) or more flood zones intersect over the property or properties being surveyed.
3. 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 utilities
 - 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.
 - iii. Drainage
 - iv. Public connections to and from the public rights-of-ways (excluding North Fair Oaks Place) and pathways, including but not limited to users of Plantation Drive connecting to State Street
 - v. Public 12-foot-wide, for a minimally 10-foot-wide concrete multi-use (bicycle and pedestrian) pathway along State Street
 - vi. Public 12-foot-wide multi-use pathway along the southern boundary line (for connection to the other sub-districts)
 1. The term publicly accessible shall be defined to mean that the easement shall be perpetual and allow for public access with minor identified exceptions such as closures after customary travel hours.

- vii. Private streets - Perpetual ingress/egress easement that provides access to all applicable parcels
4. Provide a note on the final plat to read, "Building setback lines shall be in accordance with the approved subdivision application, Garden City file number SUBFY2025-0002, and Garden City Code 8-8A Residences At River Club Specific Area Code".
5. Common Lots:
 - a. All common open spaces and areas shall be located on common lots, or easements, and noted as unbuildable on the plat.
 - b. All private streets shall be located on common lots.
 - c. Lots 5, 14, 19, 96, 124, and 140 shall be considered common lots.
6. 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.
7. Fencing shall be prohibited on all private and common lots within the subdivision, except where specifically identified in the approved development plans as authorized by the City. This restriction shall be recorded in the subdivision's Covenants, Conditions, and Restrictions (CC&Rs) and shall be enforceable by the homeowners' association or other governing entity.
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. The CC&Rs shall include a provision stating that "The homeowners' association may not be dissolved without the prior written consent of the City of Garden City, Idaho."
10. The CC&Rs shall include a provision requiring that garages be maintained in a manner that ensures they remain available for the parking of motor vehicles by the occupants of the associated dwelling unit.
11. The CC&Rs shall include a provision stating that all pedestrian lighting fixtures shall be maintained in good working order and shall remain operational during evening and nighttime hours.
12. The CC&Rs shall include a provision stating that solar collectors, alternative surfaces (e.g., vegetated roofs, pervious pavement, grid pavers) and nonstructural techniques (e.g., rain gardens, vegetated swales, rainwater recycling) are all permitted techniques to reduce imperviousness and promote infiltration within the subdivision.

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. A Floodplain development permit is required.
3. Landscaping:
 - a. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - b. The development shall mitigate for all tree caliper inches removed from the site in accordance with Garden City Code 8-8A-3G-7.
 - i. Mitigation shall be provided at a 1:1 caliper inch replacement ratio, up to 100% of the total caliper inches lost.
 - ii. Mitigation trees shall be planted in addition to all other landscaping requirements, including but not limited to street trees, frontage trees, perimeter landscaping, and parking lot trees, as outlined in Garden City Code §8-8A-3G-7.
 - iii. All mitigation trees shall be a minimum of 2-inch caliper at the time of planting, unless otherwise approved by the Planning Official.
 - iv. If the applicant is unable to plant the full number of mitigation trees on-site due to space or design constraints, the applicant may enter into a Tree Mitigation Fund Agreement with the City.
 - v. A new landscape exhibit shall be submitted prior to construction. The plan must clearly identify:
 1. All mitigation trees and their caliper sizes
 2. All required landscaping trees (street, frontage, perimeter, parking lot)
 3. A tree mitigation fund agreement, and landscape plan associated with the Golf Course
 - c. A minimum of one (1) Class II or Class III tree shall be planted at the front of the structure. For the purposes of this condition, the entire cluster of physically connected Dwelling Units (DUs), such as townhomes, shall be treated as a single structure.
 - d. One (1) additional Class II or Class III tree shall be planted facing each adjacent right-of-way (ROW), including but not limited to:
 - i. Primary street frontage
 - ii. Side streets (for the corner lots)
 - iii. Adjacent alleys or lanes (including rear-facing ROWs)
 - iv. Both public and private ROWs qualify under this requirement.
 - e. One (1) Class I tree shall be planted within the corresponding setback area for every fifty feet (50') of linear frontage. The frontage shall be measured along the side of the structure that serves as the primary access point. If a pedestrian pathway is designated as the primary access, the frontage shall be measured along that pathway, and the Class I trees shall be planted within the corresponding setback along that frontage.

- f. Unified Landscape Plan Required: Prior to the issuance of any building permits for lots adjacent to the golf course, the applicant shall submit a comprehensive landscape plan for the 12-foot landscape easement that:
 - i. Meets the standards of GCC 8-8A-3G-5(C), including:
 - 1. Minimum 10' width
 - 2. 6' wide and 6' tall vegetative screen at maturity
 - 3. One tree per 40 linear feet
 - 4. Demonstrates continuity and visual cohesion across all affected lots.
 - g. Landscape islands shall include at least one tree at the beginning and end of each parking row, in accordance with standard site design requirements. However, where a gravity irrigation easement exists and prohibits the planting of trees, this requirement shall be waived for the affected landscape islands. In such cases, the applicant shall provide alternative landscaping treatments (e.g., shrubs, groundcover, or decorative hardscape) within the easement area to maintain visual interest and site aesthetics, subject to review and approval by the Planning Department.
 - h. 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 8-8A-3G and as shown in the approved landscape plans.
 - i. Required landscape areas shall be at least forty percent (40%) 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.
 - j. 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.
 - k. 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.
 - l. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
 - m. The landscaping plan may be amended, and reviewed at a staff level, to ensure compliance with Garden City Code 8-8A-3G Landscape and Tree Protection Provisions, and 8-8A-3H Open Space Provisions 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 Consultants or decision maker.
- 4. 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.

5. All light fixtures within the subdivision must be compliant with Garden City Code 8-8A3A-4 Outdoor Lighting.
 - a. Pedestrian Pathway Lighting:
 - i. A revised site lighting plan shall be submitted for review and approval. The plan shall demonstrate consistent and adequate illumination along all pedestrian pathways throughout the development, including but not limited to shared walkways, common areas, and access routes between lots.
 - ii. The lighting plan shall incorporate a combination of pedestrian-scale lighting fixtures such as bollard lights, pole-mounted pathway lights, or recessed step/pathway lighting. Fixtures shall be compliant with dark sky standards; designed to minimize glare and light pollution and shall maintain a consistent color temperature for visual comfort and safety.
 - iii. Lighting fixtures shall be spaced and positioned to ensure continuous illumination with no significant dark spots along pedestrian routes. The plan shall include photometric analysis or diagrams demonstrating adequate light levels across all pedestrian areas.
 - iv. Lighting shall be integrated with the site's landscaping and architectural features.
6. At least one streetlight is required along W. State Street. The developer shall work with the City's Public Works Department and Ada County Highway District to ensure adequate lighting is provided along W. State Street.
7. All utilities for a new structure shall be installed underground. For the purposes of this section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services. All development shall be connected to the Garden City water and sewer systems.
8. Drain Relocation:
 - a. The irrigation drain may be rerouted as approved. The southern portion may be piped where it conflicts with site improvements; the rest shall remain open.
 - b. Permission from the off-site property owner (River Club Golf Course) allowing the construction of the off-site improvement and relocation of the drain shall be provided.
 - c. If the drainage district or property owner does not permit the use of the drain as an amenity, an alternative feature that equally enhances the linear park, as identified in the SAPFY2023-0001 Master Plan, shall be provided. This alternative must be reviewed and approved by the Development Services Department.

9. To enhance pedestrian visibility and safety within the development, all internal pedestrian street crossings shall be designed with enhanced features. These enhancements shall include at minimum, but are not limited to:
 - a. Increased crossing width to improve pedestrian comfort and visibility; and
 - b. Raised crosswalks to calm vehicular traffic and emphasize pedestrian priority; and
 - c. Use of contrasting hardscape materials to clearly delineate pedestrian zones; and
 - d. Additional crossing width where appropriate to accommodate higher pedestrian volumes or improve accessibility.
 - e. All pedestrian pathway crossings that traverse the alley shall be directly aligned with the corresponding pathway on the other side.
 - f. Final design details shall be subject to review and approval by the Planning Official, and all modifications shall meet the intent of the comments made by Design Review Consultants.
10. Additional traffic calming measures shall be incorporated along internal streets to reduce vehicle speeds and enhance pedestrian safety.
11. The streets shall provide street names and stop signage.
12. Sidewalks shall be installed along all streets in accordance with the standards set forth in Garden City Code 8-8A-3E-6 Sidewalk Standards.
13. All sidewalks and public pathways shall be designed and constructed to project boundaries so that they facilitate future connections.
14. A 10-foot-wide multi-use pathway shall be provided along State Street consistent with Garden City Code and Ada County Highway District requirements.
15. All stormwater systems shall comply with Garden City Code 8-8A-3A-7.
 - a. All drainage shall be retained on site;
 - b. All comments made by the City Engineer regarding site grading and drainage plan(s) and a Storm Water Operation and Management Agreement shall be resolved prior to civil plan approval.
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 the approval and issuance of building permits for structures:

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.

2. Glazing shall be added to the garage doors to better meet the intent of GCC 8-8A-3B-3, as shown in the June 5, 2025, architectural renderings.
3. The floorplans shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
4. Universal design units shall incorporate features that enhance accessibility and usability for all individuals, including but not limited to: elevator-ready layouts, doorways with a minimum width of 32–36 inches, hallways with a minimum width of 36–42 inches, lever-style door handles, rocker light switches, reduced upper kitchen cabinetry, and open floor plans. Compliance with this condition shall be demonstrated at the time of building permit submittal.
5. Vehicular Parking:
 - a. Parking spaces shall be a minimum of 8.5'x18';
 - b. The guest parking shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
6. 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.
7. 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.
8. The subdivision must obtain Ada County Approved addresses for all new lots prior to the submittal of a building permit.
9. A temporary fire rated road shall be provided to Pierce Park Lane Intersection. This temporary road shall be available to the east subdistrict development until the central subdistrict is redeveloped, and a permanent roadway is installed.
10. 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 8-8A-3A-5 Outdoor Service and Equipment Areas. Screening of these areas shall occur prior to a certificate of occupancy being issued.

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 unless otherwise noted in the CC&Rs.
 - 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. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
5. The subdivision shall maintain all open spaces in accordance with Garden City Code 8-18A-1B Property Maintenance Provisions as well as Garden City Code 8-8A-3H Open Space Provisions.
 - a. The common open spaces shall not be altered or eliminated by individual property owners.
6. Fencing shall be prohibited on all private and common lots within the subdivision, except where specifically identified in the approved development plans as authorized by the City.
7. Solar collectors, alternative surfaces (e.g., vegetated roofs, pervious pavement, grid pavers) and nonstructural techniques (e.g., rain gardens, vegetated swales, rainwater recycling) are all permitted techniques to reduce imperviousness and promote infiltration within the subdivision.

General:

1. This approval is for a combined preliminary and final plat for a residential subdivision encompassing 140 lots – 134 lots are to be designated for residential use and 6 lots are to be designated as common lots.
2. The proposed residential density of 13 dwelling units per acre falls below the minimum required 14 dwelling units per acre for the Transit-Oriented Development (TOD) Node. Pursuant to Garden City Code § 8-8A-2B-1.F, the applicant shall

transfer the equivalent of 10 dwelling units to either the west or central sub-district, as permitted by the Code. Said transfer shall be documented and submitted to the City for review and approval concurrently with the submittal of any development application for the receiving sub-district.

3. This approval is based on the following:
 - a. Landscape Plan submitted on June 6, 2025, stamped and signed on May 28, 2025;
 - b. Specific use tree exhibit sheet EX2.0 submitted on June 6, 2025, dated February 3, 2025;
 - c. Tree mitigation plan and letter submitted June 6, 2025, dated May 30th, 2025;
 - d. Open Space exhibit submitted on June 6, 2026, date May 28, 2025;
 - e. The River Club Drain Reroute – Gravity Irrigation Plan, submitted June 6, 2025, stamped and signed on April 25, 2025;
 - f. Preliminary Plat, submitted May 6, 2025, stamped and signed on May 6, 2025;
 - g. Final Plat submitted on June 6, 2025, stamped and signed on May 28, 2025
 - h. Floor Plans and schematic drawings submitted on February 10, 2025, dated January 27, 2025;
 - i. Architectural renderings submitted as part of the applicant's response letter on June 6, 2025
 - j. Architectural renderings submitted on March 18, 2025,
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. The applicant shall comply with all requirements of the reviewing entities.
6. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis of this application or not.
7. Approval of the subdivision does not constitute as the approval for any uses.
8. The approved addresses and a copy of the recorded plat must be provided to the city prior to the city considering the subdivision complete.

9. The approval is specific to the application provided and reviewed.
10. This approval is for this application only. Nothing in the River Club SAP district code shall eliminate the need for obtaining any other required permits, including, but not limited to: building permits, plumbing, electrical, or mechanical permits; erosion control, sediment control; occupancy permit; or any permit, approval, or entitlement required by other titles of Garden City code, other political subdivisions of the state of Idaho, or agencies of the state of Idaho. Additional permits, licenses, and approvals may be necessary. All other applicable permits must be obtained.
11. 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.
12. 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.
13. Any changes to the design of this project shall be reviewed by the Design Review Committee for compliance with Garden City Code. Other changes that are not in conformance with the approval shall be remanded to the decision-making body.
14. 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.
15. 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.
16. 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.

17. 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.
18. This approval shall expire two (2) years from its approval, unless otherwise extended as allowed by Garden City Code.
19. 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.
20. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.
21. 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.
22. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
23. 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.
24. A takings analysis pursuant to Idaho Code may be requested on final decisions.
25. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

Mayor, John G. Evans

July 28, 2025
Date