

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

In the Matter of:	)	SUBFY2025-0003
	)	
Final Plat Subdivision	)	FINDINGS OF FACT,
213 & 215 E. 35 <sup>th</sup> Street	)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho	)	AND DECISION
_____	)	

THIS MATTER came before the Garden City Council for consideration on May 26, 2026. 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 Plat Subdivision.
2. The name of the proposed subdivision has been reserved as The Strand Subdivision, previously Carre Sol Subdivision and Shavasana Urban Living Subdivision.
3. The preliminary plat was approved by the City Council on October 13, 2025.
4. The application is located at:
  - a. 213 E. 35<sup>th</sup> Street; Taxing Parcel Number: R2734540790; Property is described as LOT 28 BLK 31 FAIRVIEW ACRES SUB NO 5.
  - b. 215 E. 35<sup>th</sup> Street; Taxing Parcel Number: R2734540770; Property is described as LOT 27 BLK 31 FAIRVIEW ACRES SUB NO 5.
5. The subject property is 0.34 acres.
6. The applicant is Ian McLaughlin.
7. The property owner of record is SOUL34 LLC.
8. The project is in the C-2 Mixed-Use Commercial Zoning District.

9. The project is located in the Live-Work Create District and the Neighborhood Destination Activity Node designations of the Comprehensive Plan Future Land Use Map
10. 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).
11. The whole project is within the floodplain according to FEMAs most recent modeling of the Lower Boise River, adopted by resolution 1083-20.
12. 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
13. The applicant provided the following application information:

<b>Materials Provided Per GCC Table 8-6A-2 Required Application Information</b>			
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			Will Serve Letter
		X	Approved Addresses

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

14. Additional application materials submitted include:
  - a. Site Plan;
  - b. Floor Plans;
  - c. Landscape Plan;
  - d. Irrigation Ditch Company Form;
  - e. 300' Neighborhood List;
  - f. Neighborhood Meeting Confirmation;
  - g. Affidavit of Legal Interest;
  - h. Application;
  - i. Waiver Request of Application Materials;
  - j. Statement of Intent.

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

Noticing Requirement	Required Date	Completion Date
Letter of Acceptance	05-21-2026	04-30-2026
Radius Notice	05-11-2026	05-07-2026
Agency Notice	05-11-2026	05-05-2026
Property Posting Sign	05-11-2026	05-11-2026
Affidavit of Property Posting and Photos	05-17-2026	05-11-2026

16. No written public comments were submitted to the city.

17. Agency Comments were received from:

- a. City Engineer dated May 5, 2026
- b. Boise Fire dated May 18, 2026
- c. Department of Environmental Quality dated May 11, 2026

18. On May 26, 2026, a public hearing before the Garden City Council was held:

- a. Mayor Jacobs introduced the application.
- b. Hannah Ball and Ian McLaughlin presented the application.
- c. Jenah Thornborrow provided a staff report.
- d. No one was present who wished to provide testimony.
- e. Hannah Ball provided a rebuttal.
- f. The hearing was closed.
- g. The Council discussed the request for a five-year allowance and determined that this should be noted as part of the discussion, but it is a broader policy matter.
- h. Council President Page moved to approve the application in accordance with the staff recommendation, including the findings of fact and conclusions of law with two conditions of approval.
  - i. The requirement for a mural may be art, in general.
  - ii. An easement for trash access is no longer necessary in that Carr street will be utilized.
- i. Council Member Rassmussen second the motion.
- j. The motion passed unanimously.

19. The record contains:

- a. Application
- b. Agency Comments
- c. Public Comments
- d. Noticing Documents
- e. Staff Report
- f. Hearing Minutes
- g. Hearing Audio

h. Signed Findings of Fact, Conclusions of Law, and Decision

20. In consideration of a final subdivision the planning official or designee has found the final subdivision **is in substantial compliance** with the preliminary subdivision approval:

<b>GCC 8-5B-3: FINAL SUBDIVISION PROCESS</b>			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X			<p><b>Finding:</b> The number of buildable lots is the same or fewer</p> <p><b>Explanation of Finding (Reasoned Statement):</b></p> <p>The number of buildable lots is the same as the approved preliminary plat.</p>
X			<p><b>Finding:</b> The amount of common open space is increased</p> <p><b>Explanation of Finding (Reasoned Statement):</b></p> <p>There has been no change to the amount of common space.</p>
X			<p><b>Finding:</b> The amount of open space is relocated with no reduction in the total amount</p> <p><b>Explanation of Finding (Reasoned Statement):</b></p> <p>There has been no change to the amount of open space.</p>
X			<p><b>Finding:</b> The number of open space lots has been increased</p> <p><b>Explanation of Finding (Reasoned Statement):</b></p> <p>The number of lots are consistent.</p>

X			<p><b>Finding:</b> The transportation authority has required minor changes</p> <p><b>Explanation of Finding (Reasoned Statement):</b></p> <p>The transportation has not required any changes that warrant a re-review of the application.</p>
X			<p><b>Finding:</b> The general configuration has changed by less than ten percent (10%)</p> <p><b>Explanation of Finding (Reasoned Statement):</b></p> <p>The configuration has not changed/ by more than 10%.</p>
X			<p><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.</p> <p><b>Explanation of Finding (Reasoned Statement):</b></p> <p>There final subdivision proposal is consistent with the preliminary plat approval, and the preliminary subdivision conditions of approval are still required of the application.</p>

21. 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** 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** application SUBFY2025-0003 for a Final Plat Subdivision subject to the following conditions:

### CONDITIONS OF APPROVAL

#### Application Specific Requirements:

1. This approval is for a final plat for a residential subdivision encompassing 7 lots – 6 designated for residential use, and 1 common lot.
2. All conditions of approval as set forth in the SUBFY2025-0003 Preliminary Plat and Planned Unit Development Findings of Fact and Conclusion of Law Decision Document, dated October 13, 2025, shall remain in effect and shall be met.
3. This approval is based on the following plans:
  - a. Landscape Plan submitted on April 21, 2026, dated April 20, 2026;
  - b. Architectural Elevation Plans and Floor Plans submitted on April 21, 2026, dated June 13, 2025;
  - c. Final Plat submitted April 21, 2026;
  - d. Site Plan submitted April 21, 2026, dated June 13, 2025;
  - e. Civil Engineering Drawings submitted April 21, 2026, dated April 14, 2026.
4. The applicant shall provide the mural required during the preliminary plat approval or other acceptable form of public art, subject to review and approval by Design Review.
5. A dedicated easement for trash access is no longer required, as service access will instead be provided via Carr Street.

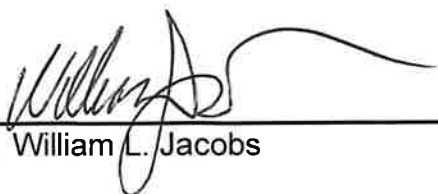
#### General Requirements:

1. Each final subdivision approval shall indicate the acceptance of the infrastructure, the timing of the construction and completion for all improvements and any required amenities associated with the subdivision.
2. Upon approval or approval with conditions by the council and signature of the city engineer, the applicant may submit the final subdivision to the Ada County recorder for recording. The final subdivision shall contain the certifications required under Idaho Code section 50-1301 et seq., as well as those required by the city.
3. The approval is specific to the application provided and reviewed.
4. This approval is for this application only. Additional permits, licenses, and approvals may be necessary. All other applicable permits must be obtained.
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. 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.
7. Required easements must either be on the plat or provided in a recordable document that includes a legal description and illustration.

8. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
9. The property owner is responsible for the maintenance of all landscaping and screening devices required.
10. Driveway openings in curbs shall comply with the requirements of the Transportation Authority.
11. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
12. 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.
13. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
14. 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.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. System Installation Required: Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines, but shall not necessarily be in the same trenches.
18. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
19. All stormwater systems must comply with Garden City Code 8-4A-7.
20. 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.
21. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the City Engineer. 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.
22. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City.
23. 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.
24. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction 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 substantial conformance with the plans reviewed and approved.

25. Any substantial changes to the design shall be reviewed by the Design Review Consultants. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
26. 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.
27. 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 has 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.
28. This approval shall expire two (2) years from its approval, unless otherwise extended as allowed by Garden City Code.
29. Approval shall become null and void if the applicant fails to record the plat 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.
30. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.
31. 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.
32. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
33. 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.
34. A takings analysis pursuant to Idaho Code may be requested on final decisions.
35. 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.



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Mayor, William L. Jacobs

May 26, 2026

Date