BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	SUBFY2024-0005
	)	
Extension of:	)	
Preliminary Plat Subdivision/		
Planned Unit Development	)	FINDINGS OF FACT
313 E. 48th Street	)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho	)	AND DECISION
	)	

THIS MATTER came before the Garden City Council for consideration on September 28, 2026 and October 12, 2026. The City Council reviewed the request. Based on the evidence presented, pursuant to Garden City Code § 8-6-A- 8 and 8-5B-6, the City Council makes the following Findings of Fact, Conclusions of Law, and Decision:

FINDINGS OF FACT

1. The applicant is Stephen Pendl with Vera Development on behalf of Nick Hansen with ZVNH Family Trust.

2. The location of the project is 313 E. 48th Street;
   a. Taxing Parcel Number: R2734523470; Property is described as: PAR #3470 SE'LY POR LOT 19 BLK 25 FAIRVIEW ACRES SUB NO 03 #3473-B
   b. Taxing Parcel Number: R2734523465; Property is described as: PAR #3470 SE'LY POR LOT 19 BLK 25 FAIRVIEW ACRES SUB NO 03.

3. The application was approved for two years by the City Council on October 14, 2024, with an expiration date of October 14, 2026.

4. The City received a one-year extension request in writing on September 14, 2026, noting:
   a. Building costs and interest rates and overall market instability.
   b. Adds Housing to City, Cleans up previous lot split.

5. The record contains:
   a. Written request
   b. Staff memorandum dated September 28, 2026

2. The following standards in the Garden City Code apply to this proposal:
   a. GCC 8-5B-6 Term of Subdivision Permit
   b. GCC 8-6A-8 Expiration of Approvals

CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and concluded that the application **does** meet the standards of approval under G.C.C. § 8-6-A.8.

Standards	Compliant	Conclusions
GCC 8-5B-6 Term of Subdivision Permit	N/A	Not applicable with an extension approval.
GCC 8-6A-8 Expiration of Approvals	Yes	**1.** Good cause for the request is demonstrated by the applicant in their request. Good cause includes development constructions being delayed by force majeure, development constructions being delayed by wrongful conduct of others, or other such circumstances of similar specificity. <u>Reasoned Statement:</u> The circumstances cited by the applicant do not constitute force majeure because increased construction costs, rising interest rates, and general market instability are economic conditions rather than extraordinary events that make performance impossible or prevent development from proceeding. Nevertheless, good cause is demonstrated by the applicant's showing that extraordinary economic conditions have materially affected the project's feasibility and timing. Significant increases in construction costs, elevated borrowing costs, and prolonged market uncertainty have adversely impacted the ability to secure financing and proceed with construction as originally anticipated. These conditions have resulted in delays that were largely outside the applicant's reasonable control and are

		sufficiently specific and substantial to support the finding of good cause. In addition, good cause is further supported by the public benefits associated with the proposed development. The project will add needed housing within the City and will correct and improve conditions associated with a previously approved lot split, resulting in a more orderly development pattern. Granting the request would facilitate these community benefits while allowing the applicant a reasonable opportunity to complete the project under improved economic conditions. Accordingly, although the circumstances do not rise to the level of force majeure, they constitute sufficient good cause to justify approval of the request. **2.** The subject property is compliant and has been compliant, or actively pursuing compliance, with all city, state, and federal codes and laws since the date of application; and <u>Reasoned Statement:</u> There are no active code enforcement cases on the subject property. **3.** The extension request is submitted to the development services department in writing prior to the application's expiration date. <u>Reasoned Statement:</u> A timely request was submitted on September 14, 2026, prior to the expiration of the application on October 14, 2026.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Garden City Council does hereby **Approve** this request for an extension.

1. This approval is for a **one-year** extension to **October 14, 2027.**
2. Final decisions may be subject to judicial review pursuant to the Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
3. A takings analysis pursuant to Idaho Code may be requested on certain final decisions.

October 12, 2026

Mayor, William L. Jacobs — Date