



CITY OF GARDEN CITY

6015 Glenwood Street
Garden City, Idaho 83714

Agenda City Council

Work Session – None
Regular City Council Meeting–6:00 p.m.

Monday, July 13, 2026

City Hall – Council Chamber 6015 Glenwood Street, Garden City, Idaho

The official meeting is in person. For convenience, remote participation and/or observation via video conference or virtual attendance is permissible. However, the meeting may commence or resume if technical difficulties prevent remote participation and/or observation. Therefore, in-person attendance is required if you would like to ensure that your comments are heard and that you are able to observe the public hearing properly. <https://zoom.us/j/8188588340>

Meeting ID: 818 858 8340 Phone In # 301-715-8592

6:00 P.M. REGULAR COUNCIL MEETING

A. CALL TO ORDER

Clerk Certifies Meeting

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CHANGES TO AGENDA – ACTION ITEM

E. CONSENT AGENDA (1) – ACTION ITEM

1. Approval of Minutes June 17, 2026 (Page 3)
2. Approval of Minutes June 22, 2026 (Page 4)
3. Ratification of Accounts Payable Claims (Page 9)
4. **CONTINUANCE TO A DATE CERTAIN OF AUGUST 24, 2026:**
SAPFY2026-0001 Specific Area Plan: Heron Commons District
5. **CONTINUANCE TO A DATE CERTAIN OF AUGUST 10, 2026:**
CPAFY2026-0001 Code Text Amendment: Jeff Hatch with Hatch Design
Architecture requesting to amend Title 8, Chapter 2B, Section 1, Table of Allowed
Uses in All Base Zoning Districts
6. Title 8 Extension Request: BLDFY2022-0009 – BLDFY2022-0025, Creation Row
Subdivision Phase 2: 4834, 4828 ,4840 ,4846, 4854, 4860 ,4866, 4872 ,4811 ,4817,
4825, 4833, 4839, 4845, 4859, 4865, 4871 Techne Street. (Page 27)
7. Extension Carolyn Subdivision, SUBFY2023-0002: 3981 N. Reed & 415 E. 40th
Street. (Page 68)
8. Extension Point Pierce Villas Subdivision, SUBFY2024-0002: 405 & 409 E. 47th
Street. (Page 84)

F. SPECIAL BUSINESS – ACTION ITEMS

1. Swearing In for Police Department Promotions:
 - a. Sergeant O’Gorman to Lieutenant
 - b. Corporal Wiggins to Sergeant
2. **Continued from 06/08/2026: FIFTH EXTENSION REQUEST: DSRFY2021-0011 208
E 33RD ST PARK 33. (Page 98)**

G. ORDINANCES, RESOLUTIONS, CONTRACTS – ACTION ITEMS

- 1. SECOND READING: ORDINANCE 1068-26: AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 5 (“TRAFFIC”), CHAPTER 10 (“BICYCLES, E-BIKES, AND E-SCOOTERS”), SECTION 1 (“DEFINITIONS”), SECTION 2 (“CERTAIN TRAFFIC LAWS APPLYING TO PERSONS RIDING BICYCLES, E-BIKES, AND E-SCOOTERS”), SECTION 6 (“RIDING ON ROADWAYS”), SECTION 7 (“USING PROVIDED BIKE LANES AND BIKE PATHS”), SECTION 8 (“RIDING UPON SIDEWALKS AND UPON AND WITHIN CROSSWALKS”), SECTION 13 (“BICYCLE, E-BIKE, OR E-SCOOTER PARKING”), SECTION 15 (“UNLAWFUL USE OF THE BOISE RIVER GREENBELT, AND CITY PARKS AND STREETS, INCLUDING BIKE LANES AND BIKE PATHS”), SECTION 16 (“RECKLESS OR INATTENTIVE OPERATION”), SECTION 17 (“DEFACING PUBLIC OR PRIVATE PROPERTY”), SECTION 21 (“PENALTIES”), SECTION 26 (“REMOVAL OF ABANDONED AND OBSTRUCTIVE BICYCLES, E-BIKES, E-SCOOTERS, OR ANY PART THEREOF FROM PUBLIC PLACES”); AND AMENDING TITLE 10 (“PUBLIC PARKS”), CHAPTER 1 (“PARKS AND WATERWAYS RULES AND REGULATIONS”), SECTION 1 (“DEFINITIONS”), SECTION 3 (“TRAFFIC”), BY AMENDING THE LANGUAGE TO INCLUDE PROVISIONS FOR HIGH-SPEED ELECTRIC MOTORBIKES AND SCOOTERS; AMENDING LANGUAGE TO CLARIFY PROHIBITED ACTS AND PENALTIES; PROVIDING SEVERABILITY; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE. (Page 136)**
- 2. Request to suspend the rules and adopt and publish Ordinance 1068-26.**
- 3. RESOLUTION 1254-26: A RESOLUTION PROVIDING FOR THE DESTRUCTION OF PUBLIC RECORDS. (Page 172)**

H. UNFINISHED BUSINESS

I. NEW BUSINESS

J. EXECUTIVE SESSION for the following purposes:

K. ADJOURNMENT

(1) Items on this agenda line are considered as consent items and will be approved without discussion unless the Council requests the item be heard.

**CITY OF GARDEN CITY
JOINT CITY COUNCIL AND PLANNING & ZONING COMMISSION
WORK SESSION MEETING MINUTES
June 17, 2026
5:00 P.M.**

WORK SESSION

A. CALL TO ORDER

Mayor Jacobs called the work session to order at 5:00 p.m.

B. ROLL CALL

Council Members Carver-Herbert, Page, and Rasmussen were present.

Councilmember Jorgensen was absent.

Planning & Zoning Commissioners Bickerton, Brown, Montoya, and Shepard were present.

C. WORK SESSION SAPFY2026-0001: A proposed Specific Area Plan (SAPD-02) to create a zoning district and rezone properties located between Heron Park and the Waterfront District on both sides of Adams Street. Addresses include: 220; 221; 301; 305; 317 E. 37th Street; 215; 300 ; 304; 308 ; 300; 306; 310; 311 E. 38th Street; 3700; 3775; 3799; 3800; 3807; 3824; 3825; 3832; 3833; 3845, S1005120600 (Bare Land) N. Adams Street; 3825; 3831; 3845 N Reed Street.

Jenah Thornborrow, Development Services Director, presented the proposed SAPFY2026-0001 for the ACHD and surrounding properties.

D. ADJOURNMENT – The work session adjourned at 7:15 p.m.

ATTEST:

APPROVED:

Lisa M. Leiby, City Clerk

William L. Jacobs, Mayor

CITY OF GARDEN CITY
CITY COUNCIL MEETING MINUTES
June 22, 2026
6:00 P.M.

REGULAR COUNCIL MEETING CALL TO ORDER

A. Mayor Jacobs called the meeting to order at 6:00 p.m.

CLERK CERTIFIED MEETING NOTICE

The meeting was noticed in accordance with Idaho Code 74-204.

B. ROLL CALL

Council members Carver-Herbert, Page, and Rasmussen were present.

Councilmember Jorgensen was absent.

C. Mayor Jacobs led the pledge of allegiance.

D. CHANGES TO AGENDA

E. CONSENT AGENDA

1. Approval of Minutes June 8, 2026

2. Ratification of Accounts Payable Claims

Action: Councilmember Page moved to approve the consent agenda as presented and Councilmember Rasmussen seconded.

ROLL CALL VOTE:

Councilmember Carver-Herbert	YES
Councilmember Jorgensen	Absent
Councilmember Page	YES
Councilmember Rasmussen	YES

The motion passed.

F. SPECIAL BUSINESS

1. Authorize Mayor Jacobs to re-appoint Kate Souza to the Library Board of Trustees for a 5-year term from July 2026 – June 2031.

Action: Councilmember Rasmussen moved to authorize Mayor Jacobs to re-appoint Kate Souza to the library board of trustees and Councilmember Page seconded.

ROLL CALL VOTE:

Councilmember Jorgensen	Absent
Councilmember Page	YES
Councilmember Rasmussen	YES
Councilmember Carver-Herbert	YES

The motion passed.

2. **Request for Reconsideration: SUBFY2025-0003:** Hannah Ball is requesting a reconsideration of a condition of approval regarding Strand Subdivision: Final Plat consisting of 6 residential lots and 1 common lot. The property is currently located at 213 & 215 E 35th St.; Ada County Parcels #R2734540790 and #R2734540770 in the C-2 zoning district.

Councilmember Carver-Herbert disclosed an ex parte communication with the owner's representative, Hannah Ball, and can remain impartial regarding this request.

Hannah Ball, owner's representative, presented the request for reconsideration.

The council took no action on this request; therefore, the request is denied.

3. **Development Services Department Notice of Decisions:**
 - a. **DSRFY2026-0005, at 207 E. 35th St.**

The council had no issues with the decision.

4. Monthly staff reports were submitted in writing.

G. ORDINANCES, RESOLUTIONS, CONTRACTS

1. **SECOND READING ORDINANCE 1065-25: AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 11 OF THE GARDEN CITY CODE BY THE ADDITION OF A NEW CHAPTER 2, ENTITLED "ADA COUNTY DEVELOPMENT IMPACT FEES"; PROVIDING FOR: A SHORT TITLE, AUTHORITY, APPLICABILITY, AND PURPOSE; DEFINITIONS; THE ESTABLISHMENT OF COUNTY SERVICE AREA, THE IMPOSITION OF IMPACT FEES, FEE SCHEDULE, AND EXEMPTIONS; THE METHOD OF COLLECTION OF IMPACT FEES AND ENFORCEMENT THEREOF; A PROCESS FOR IMPACT FEE CERTIFICATION; A PROCESS FOR INDIVIDUAL ASSESSMENTS; DEVELOPER CREDITS AND REIMBURSEMENTS; THE METHODOLOGY FOR CALCULATING IMPACT FEES; THE ESTABLISHMENT OF A PROCESS FOR EXTRAORDINARY IMPACTS; A PROCESS FOR FEE PAYER REFUNDS; THE ESTABLISHMENT OF IMPACT FEE ACCOUNTS AND ANNUAL AUDIT AND REPORTING REQUIREMENTS; THE EXPENDITURE OF IMPACT FEES; A PROCESS FOR APPEALS, PROTESTS, AND MEDIATION; AND MISCELLANEOUS PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

Charles Wadams, City Attorney, presented the legal review. The proposed version for the second reading removed the coroner from the impact fee calculation.

Steve Rutherford, Ada County representative, answered questions from the council.

Action: Councilmember Page moved to have the second reading of Ordinance 1065-25 as amended by title only and Councilmember Rasmussen seconded.

ROLL CALL VOTE:

Councilmember Rasmussen	YES
Councilmember Carver-Herbert	YES
Councilmember Jorgensen	Absent
Councilmember Page	YES

The motion passed.

The city clerk read Ordinance 1065-25 by title only.

2. **THIRD READING ORDINANCE 1066-26: AN ORDINANCE OF THE CITY OF GARDEN CITY, IDAHO, GRANTING TO INTERMOUNTAIN GAS COMPANY A TWENTY (20) YEAR EXTENSION TO ITS FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM; PROVIDING FOR THE USE OF STREETS AND ALLEYS, AND RULES GOVERNING THE SAME, SUBJECTING THE GRANTEE TO ALL POWERS OF THE CITY; SETTING FORTH THE RULES OF THE FRANCHISE AND GRANT; PROVIDING FOR THE RIGHT OF INSPECTION BY THE CITY OF GRANTEE'S PLANS, ACCOUNTS, AND BOOKS; REQUIRING GRANTEE TO FURNISH CERTAIN MAPS; SETTING FORTH THE ANNUAL PAYMENT TO THE CITY, AND THE FILING OF ANNUAL REPORTS WITH THE CITY; REQUIRING GRANTEE TO INDEMNIFY CITY, AND FILE EVIDENCE OF INSURANCE; REQUIRING COMPLIANCE WITH SAFETY REGULATIONS; SETTING FORTH AN AGREEMENT NOT TO COMPETE, RESERVING POWER OF EMINENT DOMAIN; PROVIDING FOR SURRENDER OF FRANCHISE; GRANTING RIGHT TO SALVAGE; REQUIRING WRITTEN ACCEPTANCE; PROVIDING FOR CONSENT TO SALE, ASSIGNMENT OR LEASE; PROVIDING FOR PAYMENT OF PUBLICATION COST; SETTING FORTH PENALTIES AND FORFEITURES, SEPARABILITY AND REPEAL; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

Action: Councilmember Page moved to have the third reading of Ordinance 1066-26 by title only and Councilmember Carver-Herbert seconded.

ROLL CALL VOTE:

Councilmember Carver-Herbert	YES
Councilmember Jorgensen	Absent
Councilmember Page	YES
Councilmember Rasmussen	YES

The motion passed.

The city clerk read Ordinance 1066-26 by title only.

3. Motion to adopt and publish Ordinance 1066-26.

Action: Councilmember Page moved to adopt and publish Ordinance 1066-26 and Councilmember Carver-Herbert seconded.

ROLL CALL VOTE:

Councilmember Jorgensen	Absent
Councilmember Page	YES
Councilmember Rasmussen	YES
Councilmember Carver-Herbert	YES

The motion passed.

4. ORDINANCE 1068-26: AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 5 (“TRAFFIC”), CHAPTER 10 (“BICYCLES, E-BIKES, AND E-SCOOTERS”), SECTION 1 (“DEFINITIONS”), SECTION 2 (“CERTAIN TRAFFIC LAWS APPLYING TO PERSONS RIDING BICYCLES, E-BIKES, AND E-SCOOTERS”), SECTION 6 (“RIDING ON ROADWAYS”), SECTION 7 (“USING PROVIDED BIKE LANES AND BIKE PATHS”), SECTION 8 (“RIDING UPON SIDEWALKS AND UPON AND WITHIN CROSSWALKS”), SECTION 13 (“BICYCLE, E-BIKE, OR E-SCOOTER PARKING”), SECTION 15 (“UNLAWFUL USE OF THE BOISE RIVER GREENBELT, AND CITY PARKS AND STREETS, INCLUDING BIKE LANES AND BIKE PATHS”), SECTION 16 (“RECKLESS OR INATTENTIVE OPERATION”), SECTION 17 (“DEFACING PUBLIC OR PRIVATE PROPERTY”), SECTION 21 (“PENALTIES”), SECTION 26 (“REMOVAL OF ABANDONED AND OBSTRUCTIVE BICYCLES, E-BIKES, E-SCOOTERS, OR ANY PART THEREOF FROM PUBLIC PLACES”); AND AMENDING TITLE 10 (“PUBLIC PARKS”), CHAPTER 1 (“PARKS AND WATERWAYS RULES AND REGULATIONS”), SECTION 1 (“DEFINITIONS”), SECTION 3 (“TRAFFIC”), BY AMENDING THE LANGUAGE TO INCLUDE PROVISIONS FOR HIGH-SPEED ELECTRIC MOTORBIKES; AMENDING LANGUAGE TO CLARIFY PROHIBITED ACTS AND PENALTIES; PROVIDING SEVERABILITY; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

Charles Wadams, City Attorney, presented the legal review.

Action: Councilmember Page moved to have the first reading of Ordinance 1068-26 by title only and Councilmember Rasmussen seconded.

ROLL CALL VOTE:

Councilmember Rasmussen	YES
Councilmember Carver-Herbert	YES
Councilmember Jorgensen	Absent
Councilmember Page	YES

The motion passed.

H. UNFINISHED BUSINESS

I. NEW BUSINESS

J. EXECUTIVE SESSION for the following purposes:

In accordance with Idaho Code § 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated after which the regular city council meeting will adjourn.

Action: Councilmember Page moved to enter into executive session at 7:05 p.m. in accordance with Idaho Code § 74-206(1)(f) and Councilmember Rasmussen seconded.

ROLL CALL VOTE:

Councilmember Carver-Herbert	YES
Councilmember Jorgensen	Absent
Councilmember Page	YES
Councilmember Rasmussen	YES

The motion passed.

K. ADJOURNMENT

The meeting adjourned at 7:31 p.m.

ATTEST:

APPROVED:

Lisa M. Leiby, City Clerk

William L. Jacobs, Mayor



TREASURY DEPARTMENT

6015 Glenwood Street ■ Garden City, Idaho 83714

Date: July 13, 2026

To: Mayor and City Council Members

From: Lisa Leiby, City Treasurer/Clerk

Subject: Check Proof Runs for Ratification

In accordance with the Treasury Policy, I am submitting the following claims for ratification. Each of these proof runs were submitted to you via email and there were no objections raised by the mayor or council members to release any of the checks listed.

The proof runs we are asking that you ratify on July 13, 2026, are as follows:

Checks dated June 26, 2026	\$45,171.30
Checks dated July 3, 2026	\$170,686.28
Checks dated July 10, 2026	\$381,722.40
	<u>\$597,579.98</u>

Attachments

Accounts Payable

Computer Check Proof List by Vendor

User: lleiby
 Printed: 06/22/2026 - 4:56PM
 Batch: 00726.06.2026



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1300 123317	Ada County Sheriff May 2026 Language Line Services	280.62	06/26/2026	Check Sequence: 1 100-45-0000-619-00	ACH Enabled: False
	Check Total:	280.62			
Vendor: UB*04249	BELLA INVESTMENTS LLC Refund Check 026057-000, 120 E 41ST ST	529.18	06/18/2026	Check Sequence: 2 320-00-0000-201-00	ACH Enabled: False
	Check Total:	529.18			
Vendor: BMA 21866	Benchmark Automotive LLC U183 control module replacement	565.00	06/26/2026	Check Sequence: 3 100-45-0000-565-00	ACH Enabled: False
	Check Total:	565.00			
Vendor: UB*04254	STEVE BOSCAWEN Refund Check 024196-001, 4230 N FREERIDE	22.90	06/18/2026	Check Sequence: 4 320-00-0000-201-00	ACH Enabled: False
	Check Total:	22.90			
Vendor: UB*04243	TODD CAMPBELL Refund Check 012520-018, 484 E HERON PAR	71.39	06/18/2026	Check Sequence: 5 320-00-0000-201-00	ACH Enabled: False
	Check Total:	71.39			
Vendor: CANON 43372315 43372316	Canon Financial Services June 2026 Copier Lease June 2026 Copier Lease	46.95 228.78	06/26/2026 06/26/2026	Check Sequence: 6 100-45-0000-581-00 100-45-0000-581-00	ACH Enabled: False
	Check Total:	275.73			
Vendor: CEN 999102817143	Cengage Learning Inc. Books	227.20	06/26/2026	Check Sequence: 7 100-48-0000-800-00	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	227.20			
Vendor: 33100	Century Link			Check Sequence: 8	ACH Enabled: False
333797992 06/26	June 2026 Phone Charges	419.69	06/26/2026	100-41-0000-770-00	
	Check Total:	419.69			
Vendor: CHRSEN	Christensen Inc			Check Sequence: 9	ACH Enabled: False
466206	06/01 - 06/15/2026 Bells Fuel	104.33	06/26/2026	100-48-0055-540-00	
	Check Total:	104.33			
Vendor: 10550	City Of Boise Print and Mail Services			Check Sequence: 10	ACH Enabled: False
1310	Forms	27.08	06/26/2026	100-45-0000-641-00	
	Check Total:	27.08			
Vendor: 13300	D & B Supply			Check Sequence: 11	ACH Enabled: False
8206	Roundup	15.98	06/26/2026	100-45-0000-561-00	
	Check Total:	15.98			
Vendor: UB*04250	HARRIET DAKE			Check Sequence: 12	ACH Enabled: False
	Refund Check 012198-000, 6043 N CASTLETC	24.76	06/18/2026	320-00-0000-201-00	
	Check Total:	24.76			
Vendor: UB*04209	ERNEST AND KIM DIXON			Check Sequence: 13	ACH Enabled: False
	Refund Check 024235-000, 9160 AUSTIN ST	130.00	06/18/2026	320-00-0000-201-00	
	Check Total:	130.00			
Vendor: UB*04245	DWIGHT ECK			Check Sequence: 14	ACH Enabled: False
	Refund Check 012890-000, 5864 N CAPE ARA	62.35	06/18/2026	320-00-0000-201-00	
	Check Total:	62.35			
Vendor: ENVWAR	Envisionware Inc			Check Sequence: 15	ACH Enabled: False
81803	Faxing service	75.00	06/26/2026	100-48-0000-581-00	
	Check Total:	75.00			
Vendor: 17265	Fishers Document Systems, Inc.			Check Sequence: 16	ACH Enabled: False
1683110	June 2026 Copies	16.75	06/26/2026	100-45-0000-581-00	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
1687538	June 2026 Copies	53.65	06/26/2026	100-48-0000-581-00	
	Check Total:	70.40			
Vendor: UB*04247	MICHAEL FUHRMAN			Check Sequence: 17	ACH Enabled: False
	Refund Check 024883-000, 500 E TRACKSTAN	34.71	06/18/2026	320-00-0000-201-00	
	Check Total:	34.71			
Vendor: GPS	Gills Point S Corporate			Check Sequence: 18	ACH Enabled: False
613920	U163 Oil change/Battery	279.94	06/26/2026	100-45-0000-565-00	
614366	U210 Oil Change	79.95	06/26/2026	100-45-0000-565-00	
625892	U232 Oil Change	79.95	06/26/2026	100-45-0000-565-00	
628011	U212 Battery	199.99	06/26/2026	100-45-0000-565-00	
629233	U221 Oil Change	79.95	06/26/2026	100-45-0000-565-00	
	Check Total:	719.78			
Vendor: GRIAUT	Griffin's Auto Glass LLC			Check Sequence: 19	ACH Enabled: False
11367	U223 Windshield repair	50.00	06/26/2026	100-45-0000-565-00	
	Check Total:	50.00			
Vendor: UB*04253	BRUCE HANCEY			Check Sequence: 20	ACH Enabled: False
	Refund Check 026375-001, 5056 N ALWORTH	159.33	06/18/2026	320-00-0000-201-00	
	Check Total:	159.33			
Vendor: HAYNIE	Robbie Haynie			Check Sequence: 21	ACH Enabled: False
Per Diem	FBI-LEEDA training per diem	440.00	06/26/2026	100-45-0000-644-00	
	Check Total:	440.00			
Vendor: IHS	Idaho Humane Society			Check Sequence: 22	ACH Enabled: False
June 2026	June 2026 Services	4,958.33	06/26/2026	100-45-0047-619-10	
May 2026	May 2026 Services	4,958.33	06/26/2026	100-45-0047-619-10	
	Check Total:	9,916.66			
Vendor: 21950	Idaho Power Co			Check Sequence: 23	ACH Enabled: False
03603	June 2026 Services	4,193.03	06/26/2026	300-80-0081-771-02	
22472	June 2026 Services	933.01	06/26/2026	100-45-0000-771-02	
24263	June 2026 Services	315.24	06/26/2026	320-80-0082-771-02	
24263	June 2026 Services	1,830.87	06/26/2026	300-80-0081-771-02	
30205	June 2026 Services	18.93	06/26/2026	100-80-0060-771-02	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
56047	June 2026 Services	38.04	06/26/2026	100-80-0050-771-02	
58518	June 2026 Services	46.17	06/26/2026	100-80-0050-771-02	
67789	June 2026 Services	30.56	06/26/2026	320-80-0082-771-02	
71038	June 2026 Services	26.34	06/26/2026	100-80-0050-771-02	
85392	June 2026 Services	1.47	06/26/2026	100-80-0060-771-02	
92134	June 2026 Services	141.64	06/26/2026	100-45-0047-771-02	
93282	June 2026 Services	27.60	06/26/2026	100-80-0050-771-02	
93348	June 2026 Services	31.73	06/26/2026	320-80-0082-771-02	
96794	June 2026 Services	1,379.94	06/26/2026	300-80-0081-771-02	
Check Total:		9,014.57			
Vendor: 22850	Ingram Library Service			Check Sequence: 24	ACH Enabled: False
97111542	Books	20.40	06/26/2026	100-48-0000-800-00	
97180549	Books	18.00	06/26/2026	100-48-0000-800-00	
97184155	Books	19.97	06/26/2026	100-48-0000-800-00	
97184156	Books	20.04	06/26/2026	100-48-0000-800-00	
97184157	Books	76.07	06/26/2026	100-48-0000-800-00	
97184158	Books	68.13	06/26/2026	100-48-0000-800-00	
97184159	Books	18.94	06/26/2026	100-48-0000-800-00	
97184160	Books	21.68	06/26/2026	100-48-0000-800-00	
97184161	Books	212.01	06/26/2026	100-48-0000-800-00	
97184162	Books	62.97	06/26/2026	100-48-0000-800-00	
97184163	Books	105.15	06/26/2026	100-48-0000-800-00	
97241341	Books	19.07	06/26/2026	100-48-0000-800-00	
97241342	Books	9.78	06/26/2026	100-48-0000-800-00	
97241343	Books	12.14	06/26/2026	100-48-0000-800-00	
97241344	Books	18.96	06/26/2026	100-48-0000-800-00	
97241345	Books	28.90	06/26/2026	100-48-0000-800-00	
97241346	Books	12.74	06/26/2026	100-48-0000-800-00	
97241347	Books	37.92	06/26/2026	100-48-0000-800-00	
97241348	Books	86.86	06/26/2026	100-48-0000-800-00	
97241349	Books	28.40	06/26/2026	100-48-0000-800-00	
97241350	Books	47.19	06/26/2026	100-48-0000-800-00	
97241351	Books	15.02	06/26/2026	100-48-0000-800-00	
97241352	Books	23.02	06/26/2026	100-48-0000-800-00	
97241353	Books	79.87	06/26/2026	100-48-0000-800-00	
97241354	Books	13.15	06/26/2026	100-48-0000-800-00	
97265495	Books	16.48	06/26/2026	100-48-0000-800-00	
97265496	Books	26.60	06/26/2026	100-48-0000-800-00	
97265497	Books	14.85	06/26/2026	100-48-0000-800-00	
97265498	Books	14.55	06/26/2026	100-48-0000-800-00	
97265499	Books	23.14	06/26/2026	100-48-0000-800-00	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
97305327	Books	41.14	06/26/2026	100-48-0000-800-00	
97305328	Books	18.33	06/26/2026	100-48-0000-800-00	
97305329	Books	86.75	06/26/2026	100-48-0000-800-00	
97305330	Books	71.57	06/26/2026	100-48-0000-800-00	
97305331	Books	115.76	06/26/2026	100-48-0000-800-00	
97305332	Books	25.63	06/26/2026	100-48-0000-800-00	
97305333	Books	93.02	06/26/2026	100-48-0000-800-00	
97331121	Books	19.20	06/26/2026	100-48-0000-800-00	
	Check Total:	1,643.40			
Vendor: INTBAT	Interstate All Battery Center			Check Sequence: 25	ACH Enabled: False
1916801014415	Batteries	8.28	06/26/2026	100-45-0000-500-00	
	Check Total:	8.28			
Vendor: JBJDIE	JBj Diesel			Check Sequence: 26	ACH Enabled: False
8676	Bells Bus Repair	766.00	06/26/2026	100-48-0055-581-00	
	Check Total:	766.00			
Vendor: UB*04241	AARON AND NIUSHA JONES			Check Sequence: 27	ACH Enabled: False
	Refund Check 025096-000, 5145 N RIVERFRO	40.84	06/18/2026	320-00-0000-201-00	
	Check Total:	40.84			
Vendor: KORSPI	KSCPP			Check Sequence: 28	ACH Enabled: False
20260707	Lotus Flower Lantern Workshop	90.00	06/26/2026	100-48-0000-700-02	
	Check Total:	90.00			
Vendor: 24800	Larson-Miller Inc			Check Sequence: 29	ACH Enabled: False
227046	Biohazrd Pickup	310.75	06/26/2026	100-45-0000-619-00	
	Check Total:	310.75			
Vendor: LIFELOC	Lifeloc Technologies			Check Sequence: 30	ACH Enabled: False
432683	Calibration Station	1,295.47	06/26/2026	100-45-0000-535-00	
	Check Total:	1,295.47			
Vendor: LUMEN	Lumen			Check Sequence: 31	ACH Enabled: False
788251236	June 2026 Internet	507.89	06/26/2026	100-48-0000-710-00	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	507.89			
Vendor: KELMCG	Kelley McGrath			Check Sequence: 32	ACH Enabled: False
Reimburse	Mileage	63.28	06/26/2026	100-48-0055-642-00	
	Check Total:	63.28			
Vendor: MIDWEST	Midwest Tape LLC			Check Sequence: 33	ACH Enabled: False
508988778	Media	65.23	06/26/2026	100-48-0000-800-00	
	Check Total:	65.23			
Vendor: UB*04251	NANCE NASER			Check Sequence: 34	ACH Enabled: False
	Refund Check 005504-000, 197 E 48TH ST	72.59	06/18/2026	320-00-0000-201-00	
	Check Total:	72.59			
Vendor: NEWS	NewsBank Inc			Check Sequence: 35	ACH Enabled: False
RT2014688	2026 World News Collection	400.00	06/26/2026	100-48-0000-700-01	
	Check Total:	400.00			
Vendor: 29850	Office Depot Inc			Check Sequence: 36	ACH Enabled: False
472308732001	Copy paper	268.02	06/26/2026	100-45-0000-500-00	
472314316001	Envelopes	9.79	06/26/2026	100-45-0000-500-00	
	Check Total:	277.81			
Vendor: UB*04252	DAVID AND ELIZABETH OTANDER			Check Sequence: 37	ACH Enabled: False
	Refund Check 017261-001, 4023 N BAYOU LN	12.66	06/18/2026	320-00-0000-201-00	
	Check Total:	12.66			
Vendor: 1500	Peak1 Administration			Check Sequence: 38	ACH Enabled: False
4545	June 2026 Fees	104.75	06/26/2026	100-41-0000-679-00	
	Check Total:	104.75			
Vendor: PLAPRO	Playaway Products			Check Sequence: 39	ACH Enabled: False
536916	Videos	1,356.36	06/26/2026	100-48-0000-700-01	
536969	Audio Books	307.39	06/26/2026	100-48-0000-800-00	
	Check Total:	1,663.75			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 34850	Salt Lake Wholesale Sports			Check Sequence: 40	ACH Enabled: False
110661	Ammo purchase	925.06	06/26/2026	100-45-0000-500-01	
	Check Total:	925.06			
Vendor: TERRALL	Heather Terrall			Check Sequence: 41	ACH Enabled: False
Per Diem	Crime Scene Training Per Diem	322.00	06/26/2026	100-45-0000-644-00	
Per Diem	Personal Charges Reimbursement	-209.12	06/26/2026	100-00-0000-129-00	
	Check Total:	112.88			
Vendor: UB*04244	BARBARA AND JACK THOMPSON			Check Sequence: 42	ACH Enabled: False
	Refund Check 027780-000, 9382 W OSPREY M	125.59	06/18/2026	320-00-0000-201-00	
	Check Total:	125.59			
Vendor: UB*04248	TWIN ISLANDS LLC			Check Sequence: 43	ACH Enabled: False
	Refund Check 023015-002, 4057 W CHINDEN	66.91	06/18/2026	320-00-0000-201-00	
	Check Total:	66.91			
Vendor: 40512	US Bank Card			Check Sequence: 44	ACH Enabled: False
2131	Terrall, H - personal Uber	209.12	06/26/2026	100-00-0000-129-00	
2131	Terrall, H - crime scene training	912.38	06/26/2026	100-45-0000-644-00	
2131	Hughes/Daymude - active shooter training	905.87	06/26/2026	100-45-0000-644-00	
2131	Printer ink	106.89	06/26/2026	100-45-0000-670-00	
2131	Badge holders	9.89	06/26/2026	100-45-0000-500-00	
2131	Volunteer luncheon	39.98	06/26/2026	100-45-0000-605-00	
2959	Domeny - Training	543.72	06/26/2026	100-45-0000-644-00	
2959	Domeny - Training	12.00	06/26/2026	100-45-0000-644-00	
2959	Department photos	435.20	06/26/2026	100-45-0000-500-00	
2959	Monthly car washes	559.65	06/26/2026	100-45-0000-565-00	
2959	Registration	49.20	06/26/2026	100-45-0000-565-00	
3293	Meeting snacks	160.37	06/26/2026	100-45-0000-642-00	
3293	Dozier - Lodging training	888.32	06/26/2026	100-45-0000-644-00	
3293	Dozier - Lodging fuel	57.65	06/26/2026	100-45-0000-644-00	
3332	Dennis - Training	549.72	06/26/2026	100-45-0000-644-00	
3357	K9 food	53.98	06/26/2026	100-45-0000-499-00	
5578	US & State flags	215.00	06/26/2026	100-45-0000-500-00	
5794	Terrall, H - training	559.00	06/26/2026	100-45-0000-644-00	
5794	Zoom subscription	16.99	06/26/2026	100-45-0000-619-00	
5794	Terrall, H - crime scene training	526.81	06/26/2026	100-45-0000-644-00	
5794	Chamber luncheon	36.00	06/26/2026	100-45-0000-605-00	
5794	Snacks for training	56.79	06/26/2026	100-45-0000-644-00	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
5794	Parking	17.00	06/26/2026	100-45-0000-642-00	
5794	Badges	180.50	06/26/2026	100-45-0000-500-00	
5794	TLOxp monthly charges	190.00	06/26/2026	100-45-0000-619-00	
5794	Anderson - training	129.13	06/26/2026	100-45-0000-644-00	
5794	Haynie - FBI LEEDA training	795.00	06/26/2026	100-45-0000-644-00	
5794	Zoom subscription	16.99	06/26/2026	100-45-0000-619-00	
5794	Bickel - traffic crash training	1,295.00	06/26/2026	100-45-0000-644-00	
5794	May 2026 cell service	1,450.20	06/26/2026	100-45-0000-770-00	
5794	May 2026 cell service	38.44	06/26/2026	100-45-0047-770-00	
6906	Volunteer lunch	144.12	06/26/2026	100-45-0000-605-00	
	Check Total:	11,160.91			
Vendor: UB*04246	CHERYL WALDSCHMIDT			Check Sequence: 45	ACH Enabled: False
	Refund Check 021412-000, 4071 N BAYOU LN	42.52	06/18/2026	320-00-0000-201-00	
	Check Total:	42.52			
Vendor: WESTVB 1876038	WestVet Boise			Check Sequence: 46	ACH Enabled: False
	Kano - dental work	2,071.29	06/26/2026	100-45-0000-499-00	
	Check Total:	2,071.29			
Vendor: UB*04242	PETER AND MARA WHITE			Check Sequence: 47	ACH Enabled: False
	Refund Check 022101-001, 10500 W WATERW.	53.78	06/18/2026	320-00-0000-201-00	
	Check Total:	53.78			
Vendor: 44450	Xerox Business Solutions			Check Sequence: 48	ACH Enabled: False
IN5425137	June 2026 scanner usage	26.50	06/26/2026	200-80-0084-581-00	
IN5425137	June 2026 scanner usage	26.50	06/26/2026	220-80-0083-581-00	
	Check Total:	53.00			
	Total for Check Run:	45,171.30			
	Total of Number of Checks:	48			

Accounts Payable

Computer Check Proof List by Vendor

User: hhugg
 Printed: 06/29/2026 - 9:49AM
 Batch: 00703.06.2026



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 675 35596	Absolute Fire Protection, LLC Backflow device repair	396.00	07/03/2026	Check Sequence: 1 100-80-0044-561-00	ACH Enabled: False
	Check Total:	396.00			
Vendor: 1125 July 2026 June 2026	Ada County Prosecutor July 2026 Services June 2026 Services	17,891.57 17,891.57	07/03/2026 07/03/2026	Check Sequence: 2 100-49-0000-619-08 100-49-0000-619-08	ACH Enabled: False
	Check Total:	35,783.14			
Vendor: 2400 13335 13336	Alloway Electric Co C6560 Plantation repair C12408 new cover	142.17 111.36	07/03/2026 07/03/2026	Check Sequence: 3 100-80-0060-568-00 100-80-0060-568-00	ACH Enabled: False
	Check Total:	253.53			
Vendor: ALLSTA June 2026	American Heritage Life Insurance Co June 2026 Preimums	1,087.11	07/03/2026	Check Sequence: 4 100-00-0000-202-10	ACH Enabled: False
	Check Total:	1,087.11			
Vendor: 25375 73333	B & W Wrecker Service Abandoned vehicle towing	300.00	07/03/2026	Check Sequence: 5 100-45-0000-619-00	ACH Enabled: False
	Check Total:	300.00			
Vendor: BDS 106471	Billing Document Specialists June 2026 UB Statements	3,197.66	07/03/2026	Check Sequence: 6 100-51-0000-625-00	ACH Enabled: False
	Check Total:	3,197.66			
Vendor: BC 46846	Business Cleaning Solutions LLC Floor cleaning	395.00	07/03/2026	Check Sequence: 7 100-80-0044-561-00	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	395.00			
Vendor: CANON	Canon Financial Services			Check Sequence: 8	ACH Enabled: False
43347368	June 2026 Copier Lease	145.75	07/03/2026	100-41-0000-581-00	
43359354	June 2026 Copier Lease	77.14	07/03/2026	200-80-0084-581-00	
43359354	June 2026 Copier Lease	77.13	07/03/2026	220-80-0083-581-00	
737245	June 2026 Copier Lease	54.00	07/03/2026	100-48-0000-581-00	
	Check Total:	354.02			
Vendor: 5050	Co-Energy A Connell Oil Inc Company			Check Sequence: 9	ACH Enabled: False
CL03973	fuel	86.74	07/03/2026	320-80-0085-540-00	
CL03973	fuel	245.53	07/03/2026	320-80-0082-540-00	
CL03973	fuel	172.96	07/03/2026	300-80-0081-540-00	
CL03973	fuel	122.80	07/03/2026	320-80-0082-540-00	
CL03973	fuel	230.55	07/03/2026	300-80-0081-540-00	
CL03973	fuel	95.73	07/03/2026	320-80-0085-540-00	
CL03973	fuel	259.23	07/03/2026	100-80-0050-540-00	
CL03973	fuel	76.95	07/03/2026	300-80-0081-540-00	
CL03973	fuel	65.96	07/03/2026	100-80-0050-540-00	
CL03973	fuel	82.15	07/03/2026	300-80-0081-540-00	
CL03973	fuel discount	-12.66	07/03/2026	300-80-0081-540-00	
	Check Total:	1,425.94			
Vendor: CCPS	Custom Care Pest Services, Inc.			Check Sequence: 10	ACH Enabled: False
111196	Pest control service	180.00	07/03/2026	100-80-0044-561-00	
	Check Total:	180.00			
Vendor: 13100	Custom Electric Inc.			Check Sequence: 11	ACH Enabled: False
9741	Well 13 Electrical work for HVAC unit	6,300.00	07/03/2026	300-80-0081-568-00	
9744	Scada work	245.00	07/03/2026	300-80-0081-568-00	
9744	Scada work	245.00	07/03/2026	320-80-0082-568-00	
	Check Total:	6,790.00			
Vendor: 13300	D & B Supply			Check Sequence: 12	ACH Enabled: False
3234	Parks Equipment	1,049.98	07/03/2026	100-80-0050-560-00	
	Check Total:	1,049.98			
Vendor: 17050	Ferguson Waterworks #1701			Check Sequence: 13	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
961936	Parts Repair E 40th St	498.28	07/03/2026	300-80-0081-568-00	
	Check Total:	498.28			
Vendor: 17265	Fishers Document Systems, Inc.			Check Sequence: 14	ACH Enabled: False
1689352	June 2026 Copies	70.13	07/03/2026	100-41-0000-581-00	
1690308	June 2026 Copies	118.16	07/03/2026	100-45-0000-581-00	
	Check Total:	188.29			
Vendor: GEMELEC	Gem State Electric			Check Sequence: 15	ACH Enabled: False
116178	Ruby LS repairs	1,936.02	07/03/2026	320-80-0082-568-00	
	Check Total:	1,936.02			
Vendor: GEMSTGE	Gem State Generators			Check Sequence: 16	ACH Enabled: False
14541	Bells Bus maintenance	319.62	07/03/2026	100-48-0055-581-00	
	Check Total:	319.62			
Vendor: GPS	Gills Point S Corporate			Check Sequence: 17	ACH Enabled: False
648576	U221 Brakes	1,489.00	07/03/2026	100-45-0000-565-00	
	Check Total:	1,489.00			
Vendor: IHS	Idaho Humane Society			Check Sequence: 18	ACH Enabled: False
July 2026	July 2026 Services	4,958.33	07/03/2026	100-45-0047-619-10	
	Check Total:	4,958.33			
Vendor: 21950	Idaho Power Co			Check Sequence: 19	ACH Enabled: False
49674 06/26	June 2026 Services	5,039.53	07/03/2026	100-80-0060-771-02	
49674 06/26	June 2026 Services	10,712.92	07/03/2026	300-80-0081-771-02	
49674 06/26	June 2026 Services	720.24	07/03/2026	320-80-0082-771-02	
49674 06/26	June 2026 Services	1,913.38	07/03/2026	100-80-0044-771-02	
	Check Total:	18,386.07			
Vendor: 22850	Ingram Library Service			Check Sequence: 20	ACH Enabled: False
97361490	Books	36.79	07/03/2026	100-48-0000-800-00	
97361491	Books	12.63	07/03/2026	100-48-0000-800-00	
97361492	Books	57.13	07/03/2026	100-48-0000-800-00	
97361493	Books	32.01	07/03/2026	100-48-0000-800-00	
97361494	Books	36.22	07/03/2026	100-48-0000-800-00	
97361495	Books	13.49	07/03/2026	100-48-0000-800-00	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
97361496	Books	20.70	07/03/2026	100-48-0000-800-00	
97361497	Books	73.99	07/03/2026	100-48-0000-800-00	
97361498	Books	12.46	07/03/2026	100-48-0000-800-00	
97361499	Books	43.76	07/03/2026	100-48-0000-800-00	
97389008	Books	18.00	07/03/2026	100-48-0000-800-00	
97389009	Books	20.40	07/03/2026	100-48-0000-800-00	
97435230	Books	22.35	07/03/2026	100-48-0000-800-00	
97435231	Books	14.08	07/03/2026	100-48-0000-800-00	
	Check Total:	414.01			
Vendor: INSINV	Insight Investments LLC			Check Sequence: 21	ACH Enabled: False
RT00815522	July 2026 Scanner lease	87.11	07/03/2026	200-80-0084-581-00	
RT00815522	July 2026 Scanner lease	87.10	07/03/2026	220-80-0083-581-00	
	Check Total:	174.21			
Vendor: INTINS	Integrity Inspection Solutions, Inc.			Check Sequence: 22	ACH Enabled: False
34406259	MH Repair	15,300.00	07/03/2026	320-80-0082-568-00	
	Check Total:	15,300.00			
Vendor: 23050	Intermountain Gas Co			Check Sequence: 23	ACH Enabled: False
22230430005	June 2026 Services	148.86	07/03/2026	100-80-0044-771-03	
22230430005	June 2026 Services	30.40	07/03/2026	100-45-0000-771-03	
22230430005	June 2026 Services	21.91	07/03/2026	320-80-0082-771-03	
22230430005	June 2026 Services	123.22	07/03/2026	320-80-0082-771-03	
	Check Total:	324.39			
Vendor: KA	Keller Associates Inc			Check Sequence: 24	ACH Enabled: False
256372	Reed/40th/41st Water/Sewer - URA	7,267.25	07/03/2026	310-80-0081-805-02	
256372	Reed/40th/41st Water/Sewer - URA	7,267.25	07/03/2026	330-80-0082-805-02	
256373	45th Street Waterline	1,575.70	07/03/2026	310-80-0081-805-00	
256373URA	33rd Street Waterline - URA	675.30	07/03/2026	310-80-0081-805-02	
256374	39th Street Waterline - URA	11,617.25	07/03/2026	310-80-0081-805-02	
256375	Well 4 Improvements - URA	7,278.50	07/03/2026	310-80-0081-805-02	
	Check Total:	35,681.25			
Vendor: MIDWEST	Midwest Tape LLC			Check Sequence: 25	ACH Enabled: False
509021737	Media	91.46	07/03/2026	100-48-0000-800-00	
	Check Total:	91.46			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 35600 23770	Mobil 1 Lube Express LOF 136	53.35	07/03/2026	Check Sequence: 26 100-52-0000-565-00	ACH Enabled: False
	Check Total:	53.35			
Vendor: NATIVE 13797 13798	Native Landscape Services LLC Irrigation repair Irrigation repair - Ustick/Curtis	100.00 100.00	07/03/2026 07/03/2026	Check Sequence: 27 100-80-0050-620-00 100-80-0050-620-00	ACH Enabled: False
	Check Total:	200.00			
Vendor: 29850 283001 283001	Office Depot Inc supplies supplies	12.89 12.89	07/03/2026 07/03/2026	Check Sequence: 28 300-80-0081-500-00 320-80-0082-500-00	ACH Enabled: False
	Check Total:	25.78			
Vendor: 30150 32599683	Oxarc Inc Wells supplies	6,418.00	07/03/2026	Check Sequence: 29 300-80-0081-568-00	ACH Enabled: False
	Check Total:	6,418.00			
Vendor: 29545 3349	Power Equipment LLC 184 Maintenance	477.97	07/03/2026	Check Sequence: 30 320-80-0082-565-00	ACH Enabled: False
	Check Total:	477.97			
Vendor: RMPT I63323 I63324	Rocky Mountain Portable Toilets LLC June Rental June Rental	129.68 129.68	07/03/2026 07/03/2026	Check Sequence: 31 100-80-0050-560-00 100-80-0050-560-00	ACH Enabled: False
	Check Total:	259.36			
Vendor: 37600 53314	Sterling Battery Co Parks Equipment parts	122.09	07/03/2026	Check Sequence: 32 100-80-0050-560-00	ACH Enabled: False
	Check Total:	122.09			
Vendor: 40950 CL14341 CL14341	United Oil Co 06/01 - 06/15/2026 Fuel 06/01 - 06/15/2026 Fuel	4,625.66 53.02	07/03/2026 07/03/2026	Check Sequence: 33 100-45-0000-540-00 100-45-0047-540-00	ACH Enabled: False
	Check Total:	4,678.68			
Vendor: USBEF	US Bank Equipment Finance			Check Sequence: 34	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
585109499	June Lease	81.03	07/03/2026	300-80-0081-581-00	
585109499	June Lease	81.02	07/03/2026	320-80-0082-581-00	
	Check Total:	162.05			
Vendor: 41775	Verizon Wireless			Check Sequence: 35	ACH Enabled: False
6146396119	June 2026 Cell Service	125.12	07/03/2026	100-41-0000-770-00	
6146396119	June 2026 Cell Service	61.05	07/03/2026	100-80-0050-770-00	
6146396119	June 2026 Cell Service	80.94	07/03/2026	100-52-0000-770-00	
6146396119	June 2026 Cell Service	296.05	07/03/2026	320-80-0082-770-00	
6146396119	June 2026 Cell Service	40.70	07/03/2026	320-80-0085-770-00	
6146396119	June 2026 Cell Service	219.93	07/03/2026	300-80-0081-770-00	
6146396119	June 2026 Cell Service	35.54	07/03/2026	100-48-0000-770-00	
6146396119	June 2026 Cell Service	42.44	07/03/2026	100-49-0000-770-00	
6146396119	June 2026 Cell Service	20.35	07/03/2026	220-80-0083-500-00	
	Check Total:	922.12			
Vendor: VFL	VF Law			Check Sequence: 36	ACH Enabled: False
1215533	Opportunity Zone Application Consulting	250.00	07/03/2026	100-41-0000-619-00	
	Check Total:	250.00			
Vendor: WESTHEA	Western Heating & Air Conditioning, LLC			Check Sequence: 37	ACH Enabled: False
458326911	Well 13 AC	24,496.00	07/03/2026	300-80-0081-568-00	
	Check Total:	24,496.00			
Vendor: 43800	Western States			Check Sequence: 38	ACH Enabled: False
IN003555401	Generator repair	1,647.57	07/03/2026	100-45-0000-561-00	
	Check Total:	1,647.57			
	Total for Check Run:	170,686.28			
	Total of Number of Checks:	38			

Accounts Payable

Computer Check Proof List by Vendor

User: hhugg
 Printed: 07/06/2026 - 1:41PM
 Batch: 00710.07.2026



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: UB*04261	CHRISTINE BURGNER			Check Sequence: 1	ACH Enabled: False
	Refund Check 019506-000, 3926 N KESSINGE	73.50	07/02/2026	320-00-0000-201-00	
	Check Total:	73.50			
Vendor: BC	Business Cleaning Solutions LLC			Check Sequence: 2	ACH Enabled: False
47515	July 2026 Services	812.50	07/10/2026	300-80-0081-561-00	
47515	July 2026 Services	812.50	07/10/2026	320-80-0082-561-00	
47516	July 2026 Services	2,887.50	07/10/2026	100-80-0044-561-00	
	Check Total:	4,512.50			
Vendor: UB*04259	CASINO BEACH LLC			Check Sequence: 3	ACH Enabled: False
	Refund Check 025523-003, 333 E PALAPA LN	91.31	07/02/2026	320-00-0000-201-00	
	Check Total:	91.31			
Vendor: COUGAR	Cougar Excavation LLC			Check Sequence: 4	ACH Enabled: False
Inv. #1	40th/41st Street Waterline - URA	355,433.00	07/10/2026	310-80-0081-805-02	
	Check Total:	355,433.00			
Vendor: UB*04255	PAULA AND DARIN DURST			Check Sequence: 5	ACH Enabled: False
	Refund Check 022561-001, 3672 N WILLOWB.	19.04	07/02/2026	320-00-0000-201-00	
	Check Total:	19.04			
Vendor: UB*04257	BRANDON AND KILEY GARDINER			Check Sequence: 6	ACH Enabled: False
	Refund Check 026170-000, 114 E 33RD ST	118.91	07/02/2026	320-00-0000-201-00	
	Check Total:	118.91			
Vendor: UB*04256	CAMERON HAWKINS			Check Sequence: 7	ACH Enabled: False
	Refund Check 026258-000, 5930 N BOGART L	23.27	07/02/2026	320-00-0000-201-00	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	23.27			
Vendor: IDAPRE	Idaho Press Tribune			Check Sequence: 8	ACH Enabled: False
69507	Legal Notice	110.16	07/10/2026	220-80-0083-640-00	
69626	ORD1066-26 - Int Gas	133.95	07/10/2026	100-00-0000-129-00	
	Check Total:	244.11			
Vendor: UB*04260	KATHLEEN KNOWLES			Check Sequence: 9	ACH Enabled: False
	Refund Check 007693-000, 5400 N RIFFLE WA	66.12	07/02/2026	320-00-0000-201-00	
	Check Total:	66.12			
Vendor: LEXIS	LexisNexis			Check Sequence: 10	ACH Enabled: False
3096548272	June 2026 Online Services	280.00	07/10/2026	100-49-0000-501-00	
	Check Total:	280.00			
Vendor: NATIVE	Native Landscape Services LLC			Check Sequence: 11	ACH Enabled: False
13887	July 2026 Services	287.00	07/10/2026	100-80-0050-620-00	
13888	July 2026 Services	3,774.56	07/10/2026	100-80-0050-620-00	
13889	July 2026 Services	2,706.00	07/10/2026	100-80-0050-620-00	
	Check Total:	6,767.56			
Vendor: SAFBUI	SAFEbuilt LLC Lockbox #88135			Check Sequence: 12	ACH Enabled: False
4134190	June 2026 Inspections	2,948.10	07/10/2026	200-80-0084-619-09	
4136307	June 2026 Inspections	8,662.50	07/10/2026	200-80-0084-619-09	
	Check Total:	11,610.60			
Vendor: 36700	SpringbrookHolding Company LLC			Check Sequence: 13	ACH Enabled: False
24333	June 2026 Web Payment Fee	2,450.00	07/10/2026	100-51-0000-612-00	
	Check Total:	2,450.00			
Vendor: UB*04258	MARK WILLIAMS			Check Sequence: 14	ACH Enabled: False
	Refund Check 017441-000, 8873 W HEPBURN	32.48	07/02/2026	320-00-0000-201-00	
	Check Total:	32.48			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Total for Check Run:	381,722.40			
	Total of Number of Checks:	14			



DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street ☐ Garden City, Idaho 83714
Phone 208/472-2921 ☐ Fax 208/472-2996 ☐
www.gardencityidaho.govoffice

To: Mayor and City Council
From: Jenah Thornborrow, Development Services Director
Subject: Extension Request Building Permits BLDFY2022-0009 - BLDFY2022-00025
Date: For July 13, 2026, City Council Meeting

REQUEST

An extension is requested for building permits BLDFY2022-0009 through BLDFY2022-00025, Creation Row Subdivision, Phase 2: 4834, 4828, 4840, 4846, 4854, 4860, 4866, 4872, 4811, 4817, 4825, 4833, 48639, 4845, 4859, 4865, 4871 Techne Street.

This is not a public hearing. A draft decision document has been provided for convenience.

BACKGROUND

The building permits were approved for 180 days on December 13, 2022. The permits have received nine previous extensions and were valid until June 17, 2026. This request was delayed in processing due to scheduling constraints.

The structures have been partially constructed.

NOTED CAUSE FOR REQUEST

The noted cause of this request is:

We realize that these building permits have required several extensions, which has been a function of both (a) the 2025 amendment to Garden City Code that made building permit extensions valid for only 60 days and (b) our client's delay in constructing Phases 2 and 3 of the project.

After trying for a couple years now to make Phases 2 and 3 of the project pencil, from an accounting standpoint, our client has decided to leave the Treasure Valley real estate market. Rather than abandoning the Creation Row project, though, which would leave Phases 2 and 3 unfinished and without a plan for completion, our client is actively seeking a buyer that can commence construction of Phases 2 and 3 immediately after closing. To make such a transaction attractive to potential buyers, our client needs to keep these building permits active. Expiring these building permits will prevent Phases 2 and 3 from being built in the near future. Instead, simply extending these building permits for 60 days at a time ensures the project will attract a buyer that is willing to start constructing Phases 2 and 3.

The application fees for extension applications total more than \$4,000 per round of extensions, which ensures that the City covers its costs for reviewing and approving these extension applications.

We anticipate a few more extensions of these building permits will be necessary to attract a buyer and proceed through a due diligence period before closing. Post-closing, we anticipate at least one additional extension of the building permits, to give the buyer an opportunity to solicit bids for contractors and trades to complete Phases 2 and 3 of the project.

PERTINENT CODE Ord. 1002-18

7-1-6: PERMIT TIME LIMITATION AND EXPIRATION

A. Applications for which no permit is issued within one hundred eighty (180) days following the date of receipt of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed. The City Council may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) calendar days on request by the applicant showing that circumstances beyond the control of the applicant have prevented the action from being taken.

B. Every permit issued shall expire and become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned if no inspection has been requested for a period of one hundred eighty (180) days after the work is commenced. The City Council is authorized to grant, in writing, one or more extensions of time, for periods not more than sixty (60) days each. The extension shall be requested in writing and good cause shall be demonstrated.

STAFF ANALYSIS

Upon reviewing the file materials, staff conclude that:

1. The request is timely.
2. The request has been submitted in writing.

ATTACHMENTS

- Extension Request
- Draft potential City Council Decision

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	BLDFY2022-0009 through
	)	BLDFY2022-0025
	)	
Extension Request	)	
Creation Row Subdivision, Phase 2&3	)	FINDINGS OF FACT,
4834, 4828, 4840, 4846, 4854, 4860,	)	CONCLUSIONS OF LAW
4866, 4872, 4811, 4817, 4825, 4833,	)	AND DECISION
4839, 4845, 4859, 4865,	)	
4871 N Techne Street	)	
Garden City, Ada County, Idaho	)	
	)	

THIS MATTER came before the Garden City Council for consideration on July 13, 2026. The City Council reviewed the request. Based on the evidence presented, pursuant to Garden City Code § 7-1-6 in effect at the time of permit submittal, the City Council makes the following Findings of Fact, Conclusions of Law, and Decision:

FINDINGS OF FACT

1. The requestor is Joshua Leonard with Clark Wardle LLP.
2. The owner of the property is CREATION ROW HOLDINGS 3 LLC.
3. The location of the project is Phase 2&3 of the Creation Row Townhome Subdivision:
 - a. 4834 N Techne Lane; Ada County Parcel # R1606210380; described as LOT 34 BLK 01 CREATION ROW SUB NO 02.
 - b. 4828 N Techne Lane; Ada County Parcel # R1606210360; described as LOT 33 BLK 01 CREATION ROW SUB NO 02.
 - c. 4840 N Techne Lane; Ada County Parcel # R1606210400; described as LOT 35 BLK 01 CREATION ROW SUB NO 02.
 - d. 4846 N Techne Lane; Ada County Parcel # R1606210420; described as LOT 36 BLK 01 CREATION ROW SUB NO 02.
 - e. 4854 N Techne Lane; Ada County Parcel # R1606210460; described as LOT 38 BLK 01 CREATION ROW SUB NO 02.
 - f. 4860 N Techne Lane; Ada County Parcel # R1606210480; described as LOT 39 BLK 01 CREATION ROW SUB NO 02.
 - g. 4866 N Techne Lane; Ada County Parcel # R1606210500; described as LOT 40 BLK 01 CREATION ROW SUB NO 02.
 - h. 4872 N Techne Lane; Ada County Parcel # R1606210520; described as

LOT 41 BLK 01 CREATION ROW SUB NO 02.

i. 4811 N Techne Lane; Ada County Parcel # R1606210240; described as LOT 27 BLK 01 CREATION ROW SUB NO 02.

j. 4817 N Techne Lane; Ada County Parcel # R1606210220; described as LOT 26 BLK 01 CREATION ROW SUB NO 02.

k. 4825 N Techne Lane; Ada County Parcel # R1606210200; described as LOT 25 BLK 01 CREATION ROW SUB NO 02.

l. 4833 N Techne Lane; Ada County Parcel #R1606210180; described as LOT 24 BLK 01 CREATION ROW SUB NO 02.

m. 4839 N Techne Lane; Ada County Parcel # R1606210160; described as LOT 23 BLK 01 CREATION ROW SUB NO 02.

n. 4845 N Techne Lane; Ada County Parcel # R1606210140; described as LOT 22 BLK 01 CREATION ROW SUB NO 02.

o. 4859 N Techne Lane; Ada County Parcel # R1606210040; described as LOT 17 BLK 01 CREATION ROW SUB NO 02.

p. 4865 N Techne Lane; Ada County Parcel # R1606210060; described as LOT 18 BLK 01 CREATION ROW SUB NO 02.

q. 4871 N Techne Lane; Ada County Parcel #R1606210080; described as LOT 19 BLK 01 CREATION ROW SUB NO 02.

4. The building permits were approved for 180 days on December 13, 2022.
5. The city received an extension request in writing on June 12, 2023. The applicant received an extension to December 13, 2023.
6. The city received a timely extension request in writing on December 11, 2023. The applicant received a second extension to June 13, 2024.
7. The city received a timely extension request in writing on May 20, 2024. The applicant received a third extension to December 13, 2024.
8. The city received a timely extension request in writing on December 10, 2024. The applicant received a fourth extension for 180 days to June 13, 2025.
9. The city received a timely extension request in writing on June 11, 2025. The extension was granted until August 12, 2025.
10. Due to the lack of an identified contractor, the permits were not re-issued until August 21, 2025. At the time of re-issuance, staff issued the extended permits, with a 60-day expiration date of October 20, 2025.
11. The city received a timely extension request in writing on October 20, 2025. The extension was granted until December 19, 2025.
12. The city received a timely extension request in writing on December 5, 2025. The extension was granted until February 17, 2026.

13. The city received a timely extension request in writing on February 5, 2026. An extension was granted until April 18, 2026.

14. The city received a timely extension request in writing on April 3, 2023. An extension was granted until June 17, 2026.

15. A tenth, timely extension request was received in writing on June 3, 2026, noting: These building permits have required multiple extensions due to the 2025 amendment to the Garden City Code, which limits building permit extensions to 60-day increments, as well as delays in initiating construction of Phases 2 and 3 of the project.

After several years of attempting to make Phases 2 and 3 financially feasible, the current owner has decided to exit the Treasure Valley real estate market. Rather than leaving the Creation Row project incomplete, the owner is actively seeking a buyer who can begin construction of Phases 2 and 3 immediately after closing. Keeping the building permits active is essential to maintaining the project's viability during the sales process. Allowing the permits to expire would significantly reduce the likelihood that Phases 2 and 3 will be constructed in the near term, whereas extending the permits in 60-day increments supports continued marketability and the timely completion of the remaining phases.

The extension application fees, which total more than \$4,000 per round, ensure that the City recovers the full cost of reviewing and processing each extension.

A few additional permit extensions are anticipated to allow time for a buyer to be identified and to complete due diligence. After closing, the buyer may require at least one further extension to solicit contractor and trade bids necessary to proceed with construction of Phases 2 and 3.

16. All previous extensions are valid.

CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and concludes the application **does** meet the standards of approval of § 7-1-6.

Standards	Compliant	Conclusions
GCC 7-1-6 Permit Limitation and Expiration (Ord 1002-18)	Yes	1. The request for the extension is in writing. Explanation: The request is in writing.
	Yes	2. Good Cause exists for the request. Explanation: These building permits have required multiple extensions due to the 2025 amendment to the Garden City Code, which limits building permit extensions to 60-day increments, as well as delays in initiating construction of Phases 2 and 3 of the project. After several years of attempting to make Phases 2 and 3 financially feasible, the current owner has decided to exit the Treasure Valley real estate market. Rather than leaving the Creation Row project incomplete, the owner is actively seeking a buyer who can begin construction of Phases 2 and 3 immediately after closing. Keeping the building permits active is essential to maintaining the project's viability during the sales process. Allowing the permits to expire would significantly reduce the likelihood that Phases 2 and 3 will be constructed in the near term, whereas extending the permits in 60-day increments supports continued marketability and the timely completion of the remaining phases. The extension application fees, which total more than \$4,000 per round, ensure that the City recovers the full cost of reviewing and processing each extension.

		A few additional permit extensions are anticipated to allow time for a buyer to be identified and to complete due diligence. After closing, the buyer may require at least one further extension to solicit contractor and trade bids necessary to proceed with construction of Phases 2 and 3.
--	--	---

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 of the building permit.

1. This approval is for a **60-day** extension, to **August 16, 2026**.
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.

July 13, 2026

Mayor, William L. Jacobs

Date



EXTENSION REQUEST

Request Date: _____ Rec'd by: _____
FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921
▪ www.gardencityidaho.org ▪ building@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name: Joshua Leonard	Name:
Company: Clark Wardle LLP	Company: Creation Row Holdings 3 LLC
Address: 251 E. Front Street, Suite 310	Address: 848 Manhattan Beach Boulevard
City: Boise	City: Manhattan Beach
State: ID Zip: 83702	State: CA Zip: 90266
Tel.: (208) 388-1000	Tel.: (310) 545-5400
E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0009

Date of Approval: 4/27/2026 **Date of Expiration:** 6/17/2026

Site address: 4834 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? ___Yes ___x___No, if yes please explain:

Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? ___x___Yes ___No, if yes please explain:

It complies with all codes and laws

Why is it in the city's best interest to grant this extension? Please explain:

1. Because the project remains on track to be constructed, although the construction timeline has necessarily been adjusted;
2. Because the project, when complete, will provide additional housing units within the City;
3. Because the completion of the project will result in an increase in property tax revenue; and
4. Because the failure to extend the project's permits will result in undue and unnecessary additional time and cost to the City, in that the applicant will need to go back through the costly and time consuming process of re-permitting the project.

June 3, 2026

Signature of the Applicant (date)

Extension Request
BLDFY2022-0009
June 3, 2026

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken:

We realize that these building permits have required several extensions, which has been a function of both (a) the 2025 amendment to Garden City Code that made building permit extensions valid for only 60 days and (b) our client's delay in constructing Phases 2 and 3 of the project.

After trying for a couple years now to make Phases 2 and 3 of the project pencil, from an accounting standpoint, our client has decided to leave the Treasure Valley real estate market. Rather than abandoning the Creation Row project, though, which would leave Phases 2 and 3 unfinished and without a plan for completion, our client is actively seeking a buyer that can commence construction of Phases 2 and 3 immediately after closing. To make such a transaction attractive to potential buyers, our client needs to keep these building permits active. Expiring these building permits will prevent Phases 2 and 3 from being built in the near future. Instead, simply extending these building permits for 60 days at a time ensures the project will attract a buyer that is willing to start constructing Phases 2 and 3.

The application fees for extension applications total more than \$4,000 per round of extensions, which ensures that the City covers its costs for reviewing and approving these extension applications.

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We will attend the City Council meeting at which these extension applications are on the agenda, and we will be prepared to answer any questions the Mayor and Council may have for us.



EXTENSION REQUEST

Request Date: _____ Rec'd by: _____
FOR OFFICE USE ONLY

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▪ www.gardencityidaho.org ▪ building@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name: Joshua Leonard	Name:
Company: Clark Wardle LLP	Company: Creation Row Holdings 3 LLC
Address: 251 E. Front Street, Suite 310	Address: 848 Manhattan Beach Boulevard
City: Boise	City: Manhattan Beach
State: ID Zip: 83702	State: CA Zip: 90266
Tel.: (208) 388-1000	Tel.: (310) 545-5400
E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0010

Date of Approval: 4/27/2026 **Date of Expiration:** 6/17/2026

Site address: 4840 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? ___Yes ___x___No, if yes please explain:

Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? ___x___Yes ___No, if yes please explain:

It complies with all codes and laws

Why is it in the city's best interest to grant this extension? Please explain:

1. Because the project remains on track to be constructed, although the construction timeline has necessarily been adjusted;
2. Because the project, when complete, will provide additional housing units within the City;
3. Because the completion of the project will result in an increase in property tax revenue; and
4. Because the failure to extend the project's permits will result in undue and unnecessary additional time and cost to the City, in that the applicant will need to go back through the costly and time consuming process of re-permitting the project.

 June 3, 2026
Signature of the Applicant (date)

Extension Request
BLDFY2022-0010
June 3, 2026

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken:

We realize that these building permits have required several extensions, which has been a function of both (a) the 2025 amendment to Garden City Code that made building permit extensions valid for only 60 days and (b) our client's delay in constructing Phases 2 and 3 of the project.

After trying for a couple years now to make Phases 2 and 3 of the project pencil, from an accounting standpoint, our client has decided to leave the Treasure Valley real estate market. Rather than abandoning the Creation Row project, though, which would leave Phases 2 and 3 unfinished and without a plan for completion, our client is actively seeking a buyer that can commence construction of Phases 2 and 3 immediately after closing. To make such a transaction attractive to potential buyers, our client needs to keep these building permits active. Expiring these building permits will prevent Phases 2 and 3 from being built in the near future. Instead, simply extending these building permits for 60 days at a time ensures the project will attract a buyer that is willing to start constructing Phases 2 and 3.

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E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0011

Date of Approval: 4/27/2026

Date of Expiration: 6/17/2026

Site address: 4828 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? ___Yes ___x___No, if yes please explain:

Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? ___x___Yes ___No, if yes please explain:

It complies with all codes and laws

Why is it in the city's best interest to grant this extension? Please explain:

1. Because the project remains on track to be constructed, although the construction timeline has necessarily been adjusted;
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 June 3 2026
Signature of the Applicant (date)

Extension Request
BLDFY2022-0011
June 3, 2026

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken:

We realize that these building permits have required several extensions, which has been a function of both (a) the 2025 amendment to Garden City Code that made building permit extensions valid for only 60 days and (b) our client's delay in constructing Phases 2 and 3 of the project.

After trying for a couple years now to make Phases 2 and 3 of the project pencil, from an accounting standpoint, our client has decided to leave the Treasure Valley real estate market. Rather than abandoning the Creation Row project, though, which would leave Phases 2 and 3 unfinished and without a plan for completion, our client is actively seeking a buyer that can commence construction of Phases 2 and 3 immediately after closing. To make such a transaction attractive to potential buyers, our client needs to keep these building permits active. Expiring these building permits will prevent Phases 2 and 3 from being built in the near future. Instead, simply extending these building permits for 60 days at a time ensures the project will attract a buyer that is willing to start constructing Phases 2 and 3.

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EXTENSION REQUEST

Request Date: _____ Rec'd by: _____
FOR OFFICE USE ONLY

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E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0012

Date of Approval: 4/27/2026

Date of Expiration: 6/17/2026

Site address: 4846 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

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June 3, 2026

Signature of the Applicant (date)

Extension Request
BLDFY2022-0012
June 3, 2026

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken:

We realize that these building permits have required several extensions, which has been a function of both (a) the 2025 amendment to Garden City Code that made building permit extensions valid for only 60 days and (b) our client's delay in constructing Phases 2 and 3 of the project.

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PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0013

Date of Approval: 4/27/2026 **Date of Expiration:** 6/17/2026

Site address: 4854 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? ___Yes ___x___No, if yes please explain:

Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? ___x___Yes ___No, if yes please explain:

It complies with all codes and laws

Why is it in the city's best interest to grant this extension? Please explain:

1. Because the project remains on track to be constructed, although the construction timeline has necessarily been adjusted;
2. Because the project, when complete, will provide additional housing units within the City;
3. Because the completion of the project will result in an increase in property tax revenue; and
4. Because the failure to extend the project's permits will result in undue and unnecessary additional time and cost to the City, in that the applicant will need to go back through the costly and time consuming process of re-permitting the project.

 June 3, 2026
Signature of the Applicant (date)

Extension Request
BLDFY2022-0013
June 3, 2026

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken:

We realize that these building permits have required several extensions, which has been a function of both (a) the 2025 amendment to Garden City Code that made building permit extensions valid for only 60 days and (b) our client's delay in constructing Phases 2 and 3 of the project.

After trying for a couple years now to make Phases 2 and 3 of the project pencil, from an accounting standpoint, our client has decided to leave the Treasure Valley real estate market. Rather than abandoning the Creation Row project, though, which would leave Phases 2 and 3 unfinished and without a plan for completion, our client is actively seeking a buyer that can commence construction of Phases 2 and 3 immediately after closing. To make such a transaction attractive to potential buyers, our client needs to keep these building permits active. Expiring these building permits will prevent Phases 2 and 3 from being built in the near future. Instead, simply extending these building permits for 60 days at a time ensures the project will attract a buyer that is willing to start constructing Phases 2 and 3.

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We will attend the City Council meeting at which these extension applications are on the agenda, and we will be prepared to answer any questions the Mayor and Council may have for us.



EXTENSION REQUEST

Request Date: _____ Rec'd by: _____
FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921
▪ www.gardencityidaho.org ▪ building@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name: Joshua Leonard	Name:
Company: Clark Wardle LLP	Company: Creation Row Holdings 3 LLC
Address: 251 E. Front Street, Suite 310	Address: 848 Manhattan Beach Boulevard
City: Boise	City: Manhattan Beach
State: ID Zip: 83702	State: CA Zip: 90266
Tel.: (208) 388-1000	Tel.: (310) 545-5400
E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0014

Date of Approval: 4/27/2026

Date of Expiration: 6/17/2026

Site address: 4860 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

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Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? ___x___Yes ___No, if yes please explain:

It complies with all codes and laws

Why is it in the city's best interest to grant this extension? Please explain:

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3. Because the completion of the project will result in an increase in property tax revenue; and
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June 3, 2026

Signature of the Applicant (date)

Extension Request
BLDFY2022-0014
June 3, 2026

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken:

We realize that these building permits have required several extensions, which has been a function of both (a) the 2025 amendment to Garden City Code that made building permit extensions valid for only 60 days and (b) our client's delay in constructing Phases 2 and 3 of the project.

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FOR OFFICE USE ONLY

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▪ www.gardencityidaho.org ▪ building@gardencityidaho.org

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Name: Joshua Leonard	Name:
Company: Clark Wardle LLP	Company: Creation Row Holdings 3 LLC
Address: 251 E. Front Street, Suite 310	Address: 848 Manhattan Beach Boulevard
City: Boise	City: Manhattan Beach
State: ID Zip: 83702	State: CA Zip: 90266
Tel.: (208) 388-1000	Tel.: (310) 545-5400
E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0015

Date of Approval: 4/27/2026 **Date of Expiration:** 6/17/2026

Site address: 4866 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

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Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? ___x___Yes ___No, if yes please explain:

It complies with all codes and laws

Why is it in the city's best interest to grant this extension? Please explain:

1. Because the project remains on track to be constructed, although the construction timeline has necessarily been adjusted;
2. Because the project, when complete, will provide additional housing units within the City;
3. Because the completion of the project will result in an increase in property tax revenue; and
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 June 3, 2026
Signature of the Applicant (date)

Extension Request
BLDFY2022-0015
June 3, 2026

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken:

We realize that these building permits have required several extensions, which has been a function of both (a) the 2025 amendment to Garden City Code that made building permit extensions valid for only 60 days and (b) our client's delay in constructing Phases 2 and 3 of the project.

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EXTENSION REQUEST

Request Date: _____ Rec'd by: _____
FOR OFFICE USE ONLY

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▪ www.gardencityidaho.org ▪ building@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name: Joshua Leonard	Name:
Company: Clark Wardle LLP	Company: Creation Row Holdings 3 LLC
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City: Boise	City: Manhattan Beach
State: ID Zip: 83702	State: CA Zip: 90266
Tel.: (208) 388-1000	Tel.: (310) 545-5400
E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0016

Date of Approval: 4/27/2026 **Date of Expiration:** 6/17/2026

Site address: 4872 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? ___Yes ___x___No, if yes please explain:

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It complies with all codes and laws

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 June 3, 2026
Signature of the Applicant (date)

Extension Request
BLDFY2022-0016
June 3, 2026

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EXTENSION REQUEST

Request Date: _____ Rec'd by: _____
FOR OFFICE USE ONLY

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▪ www.gardencityidaho.org ▪ building@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name: Joshua Leonard	Name:
Company: Clark Wardle LLP	Company: Creation Row Holdings 3 LLC
Address: 251 E. Front Street, Suite 310	Address: 848 Manhattan Beach Boulevard
City: Boise	City: Manhattan Beach
State: ID Zip: 83702	State: CA Zip: 90266
Tel.: (208) 388-1000	Tel.: (310) 545-5400
E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0017

Date of Approval: 4/27/2026 **Date of Expiration:** 6/17/2026

Site address: 4859 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

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It complies with all codes and laws

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June 3, 2026
Signature of the Applicant _____ **(date)** _____

Extension Request
BLDFY2022-0017
June 3, 2026

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FOR OFFICE USE ONLY

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APPLICANT	PROPERTY OWNER
Name: Joshua Leonard	Name:
Company: Clark Wardle LLP	Company: Creation Row Holdings 3 LLC
Address: 251 E. Front Street, Suite 310	Address: 848 Manhattan Beach Boulevard
City: Boise	City: Manhattan Beach
State: ID Zip: 83702	State: CA Zip: 90266
Tel.: (208) 388-1000	Tel.: (310) 545-5400
E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0018

Date of Approval: 4/27/2026 **Date of Expiration:** 6/17/2026

Site address: 4865 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? ___Yes ___x___No, if yes please explain:

Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? ___x___Yes ___No, if yes please explain:

It complies with all codes and laws.

Why is it in the city's best interest to grant this extension? Please explain:

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 June 3, 2026
Signature of the Applicant (date)

Extension Request
BLDFY2022-0018
June 3, 2026

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EXTENSION REQUEST

Request Date: _____ Rec'd by: _____
FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921
▪ www.gardencityidaho.org ▪ building@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name: Joshua Leonard	Name:
Company: Clark Wardle LLP	Company: Creation Row Holdings 3 LLC
Address: 251 E. Front Street, Suite 310	Address: 848 Manhattan Beach Boulevard
City: Boise	City: Manhattan Beach
State: ID Zip: 83702	State: CA Zip: 90266
Tel.: (208) 388-1000	Tel.: (310) 545-5400
E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0019

Date of Approval: 4/27/2026 **Date of Expiration:** 6/17/2026

Site address: 4871 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? ___Yes ___x___No, if yes please explain:

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 June 3, 2026
Signature of the Applicant (date)

Extension Request
BLDFY2022-0019
June 3, 2026

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PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3	
File Number: BLDFY2022-0020	
Date of Approval: 4/27/2026	Date of Expiration: 6/17/2026
Site address: 4845 Techne Lane	
Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: Please see attached.	

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

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 June 3, 2026
Signature of the Applicant (date)

Extension Request
BLDFY2022-0020
June 3, 2026

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken:

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EXTENSION REQUEST

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PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0021

Date of Approval: 4/27/2026 **Date of Expiration:** 6/17/2026

Site address: 4825 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

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2. Because the project, when complete, will provide additional housing units within the City;
3. Because the completion of the project will result in an increase in property tax revenue; and
4. Because the failure to extend the project's permits will result in undue and unnecessary additional time and cost to the City, in that the applicant will need to go back through the costly and time consuming process of re-permitting the project


June 3, 2026
Signature of the Applicant (date)

Extension Request
BLDFY2022-0021
June 3, 2026

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken:

We realize that these building permits have required several extensions, which has been a function of both (a) the 2025 amendment to Garden City Code that made building permit extensions valid for only 60 days and (b) our client's delay in constructing Phases 2 and 3 of the project.

After trying for a couple years now to make Phases 2 and 3 of the project pencil, from an accounting standpoint, our client has decided to leave the Treasure Valley real estate market. Rather than abandoning the Creation Row project, though, which would leave Phases 2 and 3 unfinished and without a plan for completion, our client is actively seeking a buyer that can commence construction of Phases 2 and 3 immediately after closing. To make such a transaction attractive to potential buyers, our client needs to keep these building permits active. Expiring these building permits will prevent Phases 2 and 3 from being built in the near future. Instead, simply extending these building permits for 60 days at a time ensures the project will attract a buyer that is willing to start constructing Phases 2 and 3.

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We will attend the City Council meeting at which these extension applications are on the agenda, and we will be prepared to answer any questions the Mayor and Council may have for us.



EXTENSION REQUEST

Request Date: _____ Rec'd by: _____
FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921
▪ www.gardencityidaho.org ▪ building@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name: Joshua Leonard	Name:
Company: Clark Wardle LLP	Company: Creation Row Holdings 3 LLC
Address: 251 E. Front Street, Suite 310	Address: 848 Manhattan Beach Boulevard
City: Boise	City: Manhattan Beach
State: ID Zip: 83702	State: CA Zip: 90266
Tel.: (208) 388-1000	Tel.: (310) 545-5400
E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0022

Date of Approval: 4/27/2026 **Date of Expiration:** 6/17/2026

Site address: 4833 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? ___Yes ___x___No, if yes please explain:

Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? ___x___Yes ___No, if yes please explain:

It complies with all codes and laws.

Why is it in the city's best interest to grant this extension? Please explain:

1. Because the project remains on track to be constructed, although the construction timeline has necessarily been adjusted;
2. Because the project, when complete, will provide additional housing units within the City;
3. Because the completion of the project will result in an increase in property tax revenue; and
4. Because the failure to extend the project's permits will result in undue and unnecessary additional time and cost to the City, in that the applicant will need to go back through the costly and time consuming process of re-permitting the project

 June 3, 2026
Signature of the Applicant (date)

Extension Request
BLDFY2022-0022
June 3, 2026

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We realize that these building permits have required several extensions, which has been a function of both (a) the 2025 amendment to Garden City Code that made building permit extensions valid for only 60 days and (b) our client's delay in constructing Phases 2 and 3 of the project.

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FOR OFFICE USE ONLY

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APPLICANT	PROPERTY OWNER
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Address: 251 E. Front Street, Suite 310	Address: 848 Manhattan Beach Boulevard
City: Boise	City: Manhattan Beach
State: ID Zip: 83702	State: CA Zip: 90266
Tel.: (208) 388-1000	Tel.: (310) 545-5400
E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0023

Date of Approval: 4/27/2026

Date of Expiration: 6/17/2026

Site address: 4817 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? ___Yes ___x___No, if yes please explain:

Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? ___x___Yes ___No, if yes please explain:

It complies with all codes and laws.

Why is it in the city's best interest to grant this extension? Please explain:

1. Because the project remains on track to be constructed, although the construction timeline has necessarily been adjusted;
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June 3, 2026

Signature of the Applicant (date)

Extension Request
BLDFY2022-0023
June 3, 2026

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Request Date: _____ Rec'd by: _____
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Company: Clark Wardle LLP	Company: Creation Row Holdings 3 LLC
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State: ID Zip: 83702	State: CA Zip: 90266
Tel.: (208) 388-1000	Tel.: (310) 545-5400
E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0024

Date of Approval: 4/27/2026 **Date of Expiration:** 6/17/2026

Site address: 4839 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

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Why is it in the city's best interest to grant this extension? Please explain:

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 June 3, 2026
Signature of the Applicant (date)

Extension Request
BLDFY2022-0024
June 3, 2026

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We realize that these building permits have required several extensions, which has been a function of both (a) the 2025 amendment to Garden City Code that made building permit extensions valid for only 60 days and (b) our client's delay in constructing Phases 2 and 3 of the project.

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EXTENSION REQUEST

Request Date: _____ Rec'd by: _____
FOR OFFICE USE ONLY

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APPLICANT	PROPERTY OWNER
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E-mail: jleonard@clarkwardle.com	E-mail: smandelbaum@realtax.com equbain@realtax.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Creation Row Subdivision, Phases 2 and 3

File Number: BLDFY2022-0025

Date of Approval: 4/27/2026 **Date of Expiration:** 6/17/2026

Site address: 4811 Techne Lane

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: **Please see attached.**

Has this application or city regulations changed since approval? ___Yes ___x___No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? ___Yes ___x___No, if yes please explain:

Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? ___x___Yes ___No, if yes please explain:

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Why is it in the city's best interest to grant this extension? Please explain:

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 June 3, 2026
Signature of the Applicant (date)

Extension Request
BLDFY2022-0025
June 3, 2026

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We will attend the City Council meeting at which these extension applications are on the agenda, and we will be prepared to answer any questions the Mayor and Council may have for us.



DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street □ Garden City, Idaho 83714
Phone 208/472-2921 □ planning@gardencityidaho.org □
www.gardencityidaho.govoffice

To: Mayor and City Council
From: Jenah Thornborrow, Development Services Director
Subject: SUBFY2023-0002 Extension Request
Date: For July 13, 2026, City Council Meeting

REQUEST

Extension of subdivision SUBFY2023-0002 Carolyn Circle.

This is not a public hearing. If discussion is needed, this item may be removed from the consent agenda. If this item is approved as part of the Consent Agenda, it is understood that the request for extension is to be approved as drafted in affirmative of the potential decision document provided in the City Council's packet.

BACKGROUND

Carolyn Circle, SUBFY2023-0002 located at 3981 N. Reed Street and 415 E. 40th Street was approved on July 10, 2023, by the City Council. There has been a previous one-year extension granted.

NOTED CAUSE FOR REQUEST

The city received a one-year extension request in writing on June 15, 2026, as summarized by staff (the complete request is included in this packet):

- Project delays resulted from unforeseen residential market conditions, including slowed unit absorption and volatility in construction costs.
- Additional delays were caused by construction challenges on other projects within Garden City.
- Ongoing regional housing affordability and availability challenges have added complexity to project timing and feasibility.
- Team continues active progress, including civil engineering coordination and advancement of horizontal construction documents.
- Building design is being value-engineered to align with current construction costs and subcontractor availability.
- Ongoing efforts to secure construction financing, with monitoring of rental absorption trends in Garden City.
- Ownership (Reed Street Development II, LLC) has invested significant funds, demonstrating commitment to project completion.
- Active evaluation of floodplain constraints, including options for structural fill or elevation above base flood elevation.
- Floodplain resolution is a necessary step affecting design, construction costs, and financing options and is outside applicant control.

- Financing remains impacted by interest rates, lender requirements, and rental market changes; discussions with lenders are ongoing.
- Ownership continues to pursue the most feasible path forward and remains engaged in engineering and financing efforts.

PERTINENT CODE

The city used to review the ordinance in effect at the time of the extension request to review the extension request. Recently, the city has amended this interpretation to utilize the ordinance regarding extensions that was in effect at the time that the applicant was originally submitted to the city. Ordinance 1032-23 was in effect at the time of approval.

STAFF ANALYSIS

Upon reviewing the file materials, staff conclude that:

1. A timely written extension request was submitted to the city on June 15, 2026.
2. There have been changes to sections of code related to this application. Garden City Code Planned Unit Development (PUD) has been amended by Ordinance 1056-25. It is acknowledged that the previously approved SUBFY2023-0002 would not meet all the requirements of the new ordinance if submitted today. However, the purpose of the new ordinance was not to invalidate existing approvals, but rather to repeal the existing PUD and Minor PUD ordinance and replace them with a new comprehensive ordinance that address the identified issues of the prior regulations.

While the City has adopted a new PUD ordinance, this change does not apply retroactively to projects approved under the prior code.

The applicant is requesting an extension of the original approval without proposing any modifications to the previously approved plan.

3. There has been no major change in the plans or policies that would affect the compatibility of the project; and
4. There are no current open code enforcement cases at the subject property.

ATTACHMENTS

- Extension Request
- Draft potential City Council Decision
- Ordinance 1032-23
- Linked record documents SUBFY2023-0002: <https://gardencityidaho.org/FY2023-Applications/>

BEFORE THE 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:	)	
	)	
SUBFY2023-0002: Extension Request	)	FINDINGS OF FACT,
Address: 3981 N. Reed & 415 E. 40 th Street	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
_____	)	

THIS MATTER came before the Garden City Council for consideration on July 13, 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 Teran Mitchell.
2. The property owner of record is Reed Street Development II LLC.
3. The location of the project is:
 - a. 3981 N. Reed Street; Taxing Parcel Number R2734560115; Property is described as LOTS 10 & 11 EXC DEED TO GARDEN CITY BLK 1 FAIRVIEW ACRES # 7 #869943 VIN 70244CKDS3151 TL # B453770;
 - b. 415 E. 40th Street; Taxing Parcel Number R2734560096; Property is described as PAR #0096 OF LOTS 12 & 13 BLK 1 FAIRVIEW ACRES SUB 7 #0095 S VIN # 60CK4TU449 TL#.
4. The extension ordinance that was in effect at the time of the application was ordinance 1032-23.
5. The application was approved for two years by the City Council on July 10, 2023, with an expiration date of July 10, 2025.
6. A one year extension was granted until July 10, 2026.
7. The City received a one-year extension request in writing on June 15, 2026, noting:
 - a. Due to unforeseeable conditions in the residential market with unit absorption

City Council Decision - 1

SUBFY2023-0002 Extension Request 2 Carolyn Circle

July 13, 2026 Council Packet

Page 70

and construction and cost volatility the project was delayed. In addition, there were many challenges in construction of other projects in Garden City that caused additional delays.

b. The challenges of affordability and availability of housing continue throughout the Treasure Valley. Our team has been working tirelessly to balance the complexities of development with the turbulence of construction costs and market absorption.

Progress since prior approval: Since the last extension was granted, the team has continued to advance the development. We have been coordinating ongoing revisions and progressing the horizontal construction documents with our civil engineer, and value-engineering the building design to align with current construction pricing and the availability of qualified Treasure Valley subcontractors. In parallel, we have continued working with lenders on construction financing and underwriting and monitoring rental absorption within Garden City to deliver the project at the right time for the market it will serve.

c. The ownership group, Reed Street Development II, LLC, has invested well over six figures to date in consultant contracts and City fees to bring Carolyn Circle Subdivision to its current entitled status, and remains highly motivated to complete and build out the project.

The team is currently working with its surveyor and engineer to resolve the site's floodplain condition. Specifically, the team is evaluating whether to import structural fill to raise the site out of the floodplain, or to construct to two feet above the base flood elevation (BFE). This is a substantial engineering and site-development determination that directly affects civil design, construction cost, and the financing structures available for the project, and it must be resolved before construction financing can be finalized. The floodplain condition is a physical site constraint outside the applicant's control that requires careful resolution.

In parallel, and consistent with the broader market, elevated interest rates, lender underwriting requirements, and a decline in Garden City rental rates have affected the project's financing. The ownership remains in active discussions with its lender, with the available financing options dependent in part on the floodplain approach described above.

The ownership continues to actively pursue the most feasible path to construct the approved development. We would be glad to provide documentation of the ongoing lender and engineering discussions upon request, and to answer any questions the Council or staff may have. We appreciate your consideration of this extension request.

8. The record contains:
 - a. Written request
 - b. Staff memorandum dated, July 13, 2026

- c. Record materials for file SUBFY2023-0002.
- 9. The following standards in the Garden City Code apply to this proposal:
 - d. GCC 8-5B-6 Term of Subdivision Permit
 - e. GCC 8-6A-8 Expiration of Approvals

DRAFT

CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and concludes the application **does/does not** meet the standards of approval under G.C.C. § 8-6-A.8.

The below are staff suggested conclusions and reasoned statements to support those conclusions. The City Council will review the record in its entirety. They may select the explanations provided by staff or they may amend the conclusions or explanations based upon their review of the record.		
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 exists for the request: <u>Reasoned Statement:</u> The City Council has reviewed the request for an extension and the supporting information in the record. Based on that review, the Council finds that good cause exists. The record indicates that project delays have been influenced by broader residential market conditions, including reduced unit absorption and variability in construction costs. The Council also notes evidence of additional timing impacts associated with construction-related challenges affecting other projects within Garden City. These conditions have contributed to increased complexity in project scheduling and feasibility. The Council finds that the project continues to be actively advanced. The applicant has proceeded with civil engineering coordination, the preparation and revision of construction documents, and refinement of the building design to align with current construction costs and subcontractor availability. The

		record further reflects ongoing efforts to secure construction financing, including monitoring local rental market conditions and engaging with lenders. The Council also considers the ownership's demonstrated investment in the project, including substantial expenditures on professional services and City fees, as evidence of continued intent to move the project forward. In addition, the record identifies a site-specific floodplain constraint requiring further analysis and resolution. The Council finds that this condition is a physical characteristic of the site, affects design and financing considerations, and is outside the applicant's direct control. Finally, the Council recognizes that financing conditions, including interest rates, lender requirements, and market shifts, continue to affect the timing of development and require ongoing coordination. Based on these factors, the Council determines that the delay is attributable to a combination of market conditions, site constraints, and project-related complexities, rather than a lack of diligence. Accordingly, the Council finds that good cause exists to support the requested extension. 2. The application and or applicable city regulations have not changed. <u>Reasoned Statement:</u> Garden City Code Planned Unit Development (PUD) has been amended by Ordinance 1056-25. It is acknowledged that the previously approved SUBFY2023-0002 would
--	--	---

		not meet all the requirements of the new ordinance if submitted today. However, the purpose of the new ordinance was not to invalidate existing approvals, but rather to repeal the existing PUD and Minor PUD ordinance and replace them with a new comprehensive ordinance that addresses the identified issues of the prior regulations. While the City has adopted a new PUD ordinance, this change does not apply retroactively to projects approved under the prior code. The applicant is requesting an extension of the original approval without proposing any modifications to the previously approved plan. 3. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project: <u>Reasoned Statement:</u> There has not been change in the neighborhood, plans, or policies that affect the compatibility of the project. 4. The property appears to be compliant with codes and laws: <u>Reasoned Statement:</u> There are no current open code enforcement cases at the subject property. 5. It is in the City's best interest to grant the extension: <u>Reasoned Statement:</u>
--	--	--

		The City Council finds that granting the requested extension is in the best interest of the City. The record demonstrates that the project remains active and that the applicant continues to make measurable progress on engineering, design, and financing efforts. Allowing additional time supports completion of an approved project that has already undergone substantial review and investment of both public and private resources. The Council recognizes that current economic conditions and site-specific constraints, including construction cost variability, financing challenges, and floodplain considerations, have affected project timing. Granting an extension allows these issues to be addressed in a manner that supports a viable and code-compliant development, consistent with the original approval and conditions established by the City. The Council further finds that providing additional time promotes efficient use of prior City review efforts and avoids the need for duplicative entitlement processes, which would require additional staff and Council resources. Additionally, the extension supports the continued advancement of a residential development that contributes to the City's housing supply. Maintaining the project's active status allows it to proceed toward construction when conditions stabilize, rather than risking expiration and potential delays associated with reapplication.
--	--	---

		Based on these considerations, the Council determines that granting the extension is in the best interest of the City.
--	--	--

DECISION

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

1. This approval is for a **one-year** extension to **July 10, 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.

July 13, 2026

Mayor, William L. Jacobs

Date

SUBFY2023-0002, Carolyn Circle - 2nd Extension Request

From Teran Mitchell <tmitchell@tkm-architecture.com>

Date Mon 6/15/2026 1:30 PM

To building <building@GARDENCITYIDAHO.ORG>

Cc Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>; Hanna Veal <hveal@GARDENCITYIDAHO.ORG>

 1 attachment (211 KB)

260612 CC Extension_Request_tkma_final.pdf;

Dear Garden City Department of Development Services;

I am writing on behalf of the Owners of the previously approved Carolyn Circle Subdivision (SUBFY2023-0002, Carolyn Circle) located at 3981 N Reed Street, Garden City, ID 83714, to request an Extension of time beyond the provided 24 months. The Owners have experienced challenges beyond their control that have delayed building permitting and commencement of construction. They remain committed to developing Carolyn Circle consistent with ALL provided documents and conditions of approval.

Please find attached this Extension Request. We look forward to speaking with you to answer questions, comments, or concerns that you may have.

Warmest regards,

Teran K. Mitchell, *aia, ncarb, c3p, leed ap*

Principal/Architect

TKM*Architecture*

208-590-5109

3989 Bunny Hill Lane

Meridian, Idaho 83642

AIA Idaho Advocacy Committee *Co-Chair*

<https://aiaidaho.com/about>

<https://aiaidaho.com/our-board>

AIA Idaho SFX *State Representative*

<https://aiaidaho.com/about>

AIA SFX Community Hub

www.aia.org/sfx

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EXTENSION REQUEST

Request Date: 6/15/2026 Rec'd by: _____
FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921
▪ www.gardencityidaho.org ▪ building@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name: <u>Teran K. Mitchell, aia, ncarb, leed ap</u>	Name: <u>Kevin Hawk</u>
Company: <u>TKM Architecture</u>	Company: <u>Reed Street Development II, LLC</u>
Address: <u>3989 Bunny Hill Lane</u>	Address: <u>3981 N Reed Street</u>
City: <u>Meridian</u>	City: <u>Garden City</u>
State: <u>Idaho</u> Zip: <u>83642</u>	State: <u>Idaho</u> Zip: <u>83714</u>
Tel.: <u>208-590-5109</u>	Tel.: <u>208-871-0328</u>
E-mail: <u>tmitchell@tkm-architecture.com</u>	E-mail: <u>kevin@h2developmentgroup.net</u>

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Carolyn Circle Subdivision
File Number: SUBFY2023-0002, Carolyn Circle
Date of Approval: 07/10/2023 Date of Expiration: 07/10/2026
Site address: 3981 N Reed Street, Garden City, ID 83714
Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: Due to unforeseeable conditions in the residential market with unit absorption and construction and construction cost volatility the project was delayed. In addition, there were many challenges in construction of other projects in Garden City that caused additional delays.
Has this application or city regulations changed since approval? ____ Yes X No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? ____ Yes X No, if yes please explain:

Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? X Yes ____ No, if yes please explain:

Why is it in the city's best interest to grant this extension? Please explain:

Please see below for more complete reasons for request.

Teran K. Mitchell 06/12/2026
Signature of the Applicant (date)

BUILDING PERMITS

GCC 7-1-6 PERMIT TIME LIMITATION AND EXPIRATION:

A. Applications for which no permit is issued within one hundred eighty (180) days following the date of receipt of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed. The administrator of building safety services may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days on written request by the applicant and good cause shall be demonstrated. The administrator of building safety services is authorized to grant up to two (2) extensions; provided, that the application conforms to current code. Subsequent requests shall be considered by the city council.

B. Every permit issued shall expire and become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned if no inspection has been requested for a period of one hundred eighty (180) days after the work is commenced. The administrator of building safety services is authorized to grant up to two (2) extensions of time, providing there have not been code changes that affect the application. Subsequent requests shall be considered by the city council. The extension request shall be in writing and good cause shall be demonstrated.

PERMITS AND APPROVALS PROCESSED UNDER GCC TITLE 8

GCC 8-5B-6 Term of [Subdivision] Permits

A. Failure To Submit Final Subdivision: Approval of a preliminary subdivision and combined preliminary and final subdivision shall become null and void if a final subdivision has not been signed by the city clerk and engineer within two (2) years of the approval of the preliminary subdivision, unless otherwise granted in the initial decision document; or two (2) years of the combined preliminary and final subdivision unless an extension or phasing plan is approved by city council.

GCC 8-6A-8 Expiration of Approvals

A. All application approvals shall expire one (1) year from the date of approval, unless otherwise specified by this code or:

1. The city issues a building permit for the proposed improvement, development, or use prior to the expiration of the one (1) year; or
2. By condition of approval or development agreement, a time period for completion of the application has been specified; or
3. A certificate of compliance has been issued; or
4. The final plat of a subdivision approval is recorded with Ada County; or otherwise defined by section 8-5B-6 of this title.

B. City council may allow for an extension of not more than one (1) year; provided:

1. Good cause for the request; and
2. The application and/or applicable city regulations have not changed; and
3. There has been no major change in the neighborhood, plans, or policies that would affect the compatibility of the project; and
4. 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
5. It is determined by the city council that it is in Garden City's best interest to grant the extension.

A request for an extension is no guarantee that the extension will be granted.

Expanded reasons for request:

The challenges of affordability and availability of housing continue throughout the Treasure Valley. Our team has been working tirelessly to balance the complexities of development with the turbulence of construction costs and market absorption.

Progress since the prior approval: Since the last extension was granted, the team has continued to advance the development. We have been coordinating ongoing revisions and progressing the horizontal construction documents with our civil engineer, and value-engineering the building design to align with current construction pricing and the availability of qualified Treasure Valley subcontractors. In parallel, we have continued working with lenders on construction financing and underwriting, and monitoring rental absorption within Garden City to deliver the project at the right time for the market it will serve.

RE: Supplemental Information in Support of Extension Request

Carolyn Circle Subdivision — File No. SUBFY2023-0002

3981 N. Reed Street and 405 40th Street, Garden City, ID 83714

Director Thornborrow:

Thank you for your review of the extension request submitted for Carolyn Circle Subdivision, and for the opportunity to provide additional information. This letter supplements that request by addressing the cause of the delay, the circumstances beyond the applicant's control, and the ownership's continued and active pursuit of the project.

The ownership group, Reed Street Development II, LLC, has invested well over six figures to date in consultant contracts and City fees to bring Carolyn Circle Subdivision to its current entitled status, and remains highly motivated to complete and build out the project.

The team is currently working with its surveyor and engineer to resolve the site's floodplain condition. Specifically, the team is evaluating whether to import structural fill to raise the site out of the floodplain, or to construct to two feet above the base flood elevation (BFE). This is a substantial engineering and site-development determination that directly affects civil design, construction cost, and the financing structures available for the project, and it must be resolved before construction financing can be finalized. The floodplain condition is a physical site constraint outside the applicant's control that requires careful resolution.

In parallel, and consistent with the broader market, elevated interest rates, lender underwriting requirements, and a decline in Garden City rental rates have affected the project's financing. The ownership remains in active discussions with its lender, with the available financing options dependent in part on the floodplain approach described above.

The ownership continues to actively pursue the most feasible path to construct the approved development. We would be glad to provide documentation of the ongoing lender and engineering discussions upon request, and to answer any questions the Council or staff may have. We appreciate your consideration of this extension request.



DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street ☐ Garden City, Idaho 83714
Phone 208/472-2921 ☐ planning@gardencityidaho.org ☐
www.gardencityidaho.govoffice

To: Mayor and City Council
From: Jenah Thornborrow, Development Services Director
Subject: SUBFY2024-0002 Extension Request
Date: For July 13, 2026, City Council Meeting

REQUEST

Extension of subdivision SUBFY2024-0002 Pointe Pierce Villas Subdivision.

This is not a public hearing. If discussion is needed, this item may be removed from the consent agenda. If this item is approved as part of the Consent Agenda, it is understood that the request for extension is to be approved as drafted in affirmative of the potential decision document provided in the City Council's packet.

BACKGROUND

Pointe Pierce Villas Subdivision, SUBFY2024-0002 located at 405 & 409 E. 47th Street was approved for two years on July 8, 2024, by the City Council.

NOTED CAUSE FOR REQUEST

The city received a one-year extension request in writing on June 15, 2026, as summarized by staff (the full request is included in the packet):

- Project remains active with ongoing design, engineering, and financing work.
- Applicant has completed multiple rounds of construction document review and continues civil engineering coordination.
- Ownership has made substantial financial investments, demonstrating commitment to completing the project.
- Current economic conditions (construction costs, interest rates, rental market shifts) are affecting project timing and feasibility.
- Extension allows time to adapt project design and financing to current market conditions.
- Supports continuation of an already-approved project without restarting the entitlement process.
- Promotes development of additional housing supply in the community.
- Preserves prior public and private investment in the project.
- Avoids duplicative review processes, saving time and City resources.
- Provides continuity and supports orderly project completion.

PERTINENT CODE

The city used to review the ordinance in effect at the time of the extension request to review the extension request. Recently, the city has amended this interpretation to utilize the ordinance regarding extensions that was in effect at the time that the applicant was originally submitted to the city. Ordinance 1032-23 was in effect at the time of approval.

STAFF ANALYSIS

Upon reviewing the file materials, staff conclude that:

1. A timely written extension request was submitted to the city on June 15, 2026.
2. There have been changes to sections of code related to this application. Garden City Code Planned Unit Development (PUD) has been amended by Ordinance 1056-25. It is acknowledged that the previously approved SUBFY2024-0002 would not meet all the requirements of the new ordinance if submitted today. However, the purpose of the new ordinance was not to invalidate existing approvals, but rather to repeal the existing PUD and Minor PUD ordinance and replace them with a new comprehensive ordinance that address the identified issues of the prior regulations.

While the City has adopted a new PUD ordinance, this change does not apply retroactively to projects approved under the prior code.

The applicant is requesting an extension of the original approval without proposing any modifications to the previously approved plan.

3. There has been no major change in the plans or policies that would affect the compatibility of the project; and
4. There are no current open code enforcement cases at the subject property.

ATTACHMENTS

- Extension request and supplementary document
- Draft potential City Council Decision
- Ordinance 1032-23
- Linked record documents SUBFY2023-0002: <https://gardencityidaho.org/FY2024-Applications/>

BEFORE THE 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:	)	
	)	
SUBFY2024-0002: Extension Request	)	FINDINGS OF FACT,
Address: 405 & 409 E. 47 th Street	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
_____	)	

THIS MATTER came before the Garden City Council for consideration on July 13, 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 Teran Mitchell.
2. The property owners of record is 47TH VENTURE GROUP LLC, and Standley Properties LLC.
3. The location of the project is:
 - a. 405 E. 47th Street; Taxing Parcel Number: 2023066813; Property is described as N 85' OF W 100' OF LOT 33 BLK 21 FAIRVIEW ACRES SUB 03 #2910-S VIN # 13G9CS2052 TL # D028032.
 - b. 405 E. 47th Street; Taxing Parcel Number: 2023066813; Property is described as N85' OF W100' OF E200' LOT 33 BLK 21 FAIRVIEW ACRES SUB 03 R/S 1391 #2900-S
 - c. 409 E. 47th Street; Taxing Parcel Number: 2018054459; Property described as NW'LY 200 FT OF LOT 32 BLK 21 FAIRVIEW ACRES SUB 03
4. The extension ordinance that was in effect at the time of the application was ordinance 1032-23.
5. The application was approved for two years by the City Council on July 8, 2024, with an expiration date of July 8, 2026.
6. The City received a one-year extension request in writing on June 15, 2026, noting:
 - a. The challenges of affordability and availability of housing continue throughout the Treasure Valley. Our team has been working tirelessly to

balance the complexities of development with the turbulence of construction costs and market absorption. We are currently reviewing the building design to find a way to better meet the demands of the public in a volatile housing market while we continue to work through the civil engineering review with Garden City.

Financing and construction costs remain the greatest challenges to the finalization of the architectural process and commencement of construction. The decline in rent rates in Garden City has changed the original project assumptions and contributed to volatility of the housing market, which, in turn, has greatly affected the project proforma, financing terms, interest rates, and ever-evolving list of demands from the underwriters. Of course, this is great news for renters looking for more affordable and better quality residences, but without a commensurate decrease in construction costs has made the financing of construction projects much more difficult.

We remain excited for Pointe Pierce Villas and committed to developing the project with ALL of the conditions of approval from the City Council. We appreciate your consideration and would be happy to answer any questions that you may have pertaining to this request for extension.

And

Thank you for your review of the extension request submitted for Pointe Pierce Villas, and for the opportunity to provide additional information. This letter supplements that request by addressing the cause of the delay, the circumstances beyond the applicant's control, and the ownership's continued and active pursuit of the project.

The ownership groups, 47th Venture Group, LLC and Standley Properties, LLC, have together invested well over six figures to date in consultant contracts and City fees to bring Pointe Pierce Villas to its current entitled status. That level of investment reflects a clear and continuing commitment to carry the project through to construction and completion, rather than to hold the approval speculatively.

The project remains under active development. The construction documents are presently in their ninth round of review, and the design team continues to refine the documentation to keep the project buildable under current cost and market conditions.

The primary obstacle to commencing construction has been the external financing and cost environment. Elevated interest rates, evolving lender underwriting requirements, and a measurable decline in Garden City rental rates have compressed projected revenues and required the project's financing structure to be reworked. The applicant and ownership have remained in active, ongoing discussions with their lender to secure financing

that is viable under present conditions. These are market-driven circumstances outside the applicant’s control.

The ownership continues to actively pursue both financing and completion of the construction documents in order to begin construction. We would be glad to provide documentation of the ongoing lender discussions and the current construction-document review upon request, and to answer any questions the Council or staff may have. We appreciate your consideration of this extension request.

- 1. The record contains:
 - a. Written request
 - b. Staff memorandum dated, July 13, 2026
 - c. Record materials for file SUBFY2024-0002.
- 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 concludes the application **does/does not** meet the standards of approval under G.C.C. § 8-6-A.8.

The below are staff suggested conclusions and reasoned statements to support those conclusions. The City Council will review the record in its entirety. They may select the explanations provided by staff or they may amend the conclusions or explanations based upon their review of the record.		
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 exists for the request: <u>Reasoned Statement:</u> Based on the information in the record, the Council finds that good cause exists to grant the extension. The record indicates that the project continues to be actively pursued. The applicant has advanced the project through multiple rounds of construction document review and continues to work through civil engineering

		review with the City. The Council also notes that the ownership entities have made substantial financial investments in consultant services and City fees to maintain the project's entitlement status. The Council further finds that current economic conditions have created challenges affecting the timing of development. Information provided by the applicant identifies fluctuations in rental rates, elevated construction costs, interest rates, and evolving lender requirements as factors impacting the project's financial feasibility and timing. These conditions have required ongoing revisions to project design and financing and are largely outside of the applicant's direct control. The record also reflects that the applicant remains engaged in efforts to secure project financing and to refine the project design to align with current market conditions and community needs. Based on these considerations, the Council determines that the delay in project implementation is attributable to a combination of market conditions and project-related complexities rather than a lack of diligence. Accordingly, the Council finds that good cause exists to support the requested extension. 2. The application and or applicable city regulations have not changed. <u>Reasoned Statement:</u>
--	--	--

		Garden City Code Planned Unit Development (PUD) has been amended by Ordinance 1056-25. It is acknowledged that the previously approved SUBFY2023-0002 would not meet all the requirements of the new ordinance if submitted today. However, the purpose of the new ordinance was not to invalidate existing approvals, but rather to repeal the existing PUD and Minor PUD ordinance and replace them with a new comprehensive ordinance that addresses the identified issues of the prior regulations. While the City has adopted a new PUD ordinance, this change does not apply retroactively to projects approved under the prior code. The applicant is requesting an extension of the original approval without proposing any modifications to the previously approved plan. 3. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project: <u>Reasoned Statement:</u> There has not been change in the neighborhood, plans, or policies that affect the compatibility of the project. 4. The property appears to be compliant with codes and laws: <u>Reasoned Statement:</u> There are no current open code enforcement cases at the subject property.
--	--	--

		5. It is in the City’s best interest to grant the extension: <u>Reasoned Statement:</u> The City Council finds that granting the requested extension is in the best interest of the City. The record demonstrates that the project remains active and that the applicant continues to advance necessary design, engineering, and financing efforts. Allowing additional time supports the completion of a project that has already undergone significant review and has received approval subject to conditions established by the Council. The Council recognizes that current economic conditions, including construction costs, financing constraints, and market shifts in rental rates, have affected the timing and feasibility of development. Providing a reasonable extension allows the applicant to respond to these conditions in a manner that supports project viability while maintaining consistency with the approved plans and conditions. Granting the extension also serves the City’s broader interest in facilitating the development of housing within the community. Allowing the entitled project to proceed, rather than risking expiration and potential redevelopment delays, promotes efficient use of prior public and private investment and maintains progress toward increasing housing supply.
--	--	--

		Additionally, the extension supports continuity in the approval process and avoids the need for duplicative review, which would require additional time and resources from both the applicant and the City. Based on these considerations, the Council determines that granting the extension is in the City's best interest.
--	--	--

DECISION

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

1. This approval is for a one-year extension to July 8, 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.

July 13, 2026

Mayor, William L. Jacobs

Date

SUBFY2024-0002, Pointe Pierce Villas - 1st Extension Request

From Teran Mitchell <tmmitchell@tkm-architecture.com>

Date Mon 6/15/2026 1:30 PM

To building <building@GARDENCITYIDAHO.ORG>

Cc Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>; Hanna Veal <hveal@GARDENCITYIDAHO.ORG>

 1 attachment (213 KB)

260612 PPV Extension_Request_tkma_final.pdf;

Dear Garden City Department of Development Services;

I am writing on behalf of the Owners of the previously approved Pointe Pierce Villas Subdivision (SUBFY2024-0002, Pointe Pierce Villas) located at 405-409 E 47th Street, Garden City, ID 83714, to request an Extension of time beyond the provided 24 months. The Owners have experienced challenges beyond their control that have delayed building permitting and commencement of construction. They remain committed to developing Pointe Pierce Villas consistent with ALL provided documents and conditions of approval.

Please find attached this Extension Request. We look forward to speaking with you to answer questions, comments, or concerns that you may have.

Warmest regards,

Teran K. Mitchell, *aia, ncarb, c3p, leed ap*

Principal/Architect

TKM*Architecture*

208-590-5109

3989 Bunny Hill Lane

Meridian, Idaho 83642

AIA Idaho Advocacy Committee *Co-Chair*

<https://aiaidaho.com/about>

<https://aiaidaho.com/our-board>

AIA Idaho SFX *State Representative*

<https://aiaidaho.com/about>

AIA SFX Community Hub

www.aia.org/sfx



EXTENSION REQUEST

Request Date: 6/15/2026 Rec'd by: _____
FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921
▪ www.gardencityidaho.org ▪ building@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name: Teran K. Mitchell, aia, ncarb, leed ap	Name: Kevin Hawk & Patrick Standley
Company: TKM Architecture	Company: 47th Venture Group, LLC; Standley Properties, LLC
Address: 3989 Bunny Hill Lane	Address: 405 & 409 E 47th Street
City: Meridian	City: Garden City
State: Idaho Zip: 83642	State: Idaho Zip: 83714
Tel.: 208-590-5109	Tel.: 208-871-0328
E-mail: tmitchell@tkm-architecture.com	E-mail: kevin@h2developmentgroup.net

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Pointe Pierce Villas

File Number: SUBFY2024-0002, Pointe Pierce Villas

Date of Approval: 07/08/2024 **Date of Expiration:** 07/08/2026

Site address: 405-409 E 47th Street, Garden City, ID 83714

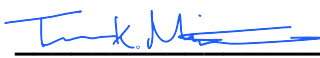
Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: Due to unforeseeable conditions in the residential market with unit absorption and construction and construction cost volatility the project has been delayed. We are exploring additional financing options as well as general contractors that will allow the project to move forward.

Has this application or city regulations changed since approval? Yes ☒ No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? Yes ☒ No, if yes please explain:

Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? ☒ Yes No, if yes please explain:

Why is it in the city's best interest to grant this extension? Please explain:
Please see below for more complete reasons for request.

 06/12/2026
Signature of the Applicant (date)

BUILDING PERMITS

GCC 7-1-6 PERMIT TIME LIMITATION AND EXPIRATION:

A. Applications for which no permit is issued within one hundred eighty (180) days following the date of receipt of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed. The administrator of building safety services may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days on written request by the applicant and good cause shall be demonstrated. The administrator of building safety services is authorized to grant up to two (2) extensions; provided, that the application conforms to current code. Subsequent requests shall be considered by the city council.

B. Every permit issued shall expire and become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned if no inspection has been requested for a period of one hundred eighty (180) days after the work is commenced. The administrator of building safety services is authorized to grant up to two (2) extensions of time, providing there have not been code changes that affect the application. Subsequent requests shall be considered by the city council. The extension request shall be in writing and good cause shall be demonstrated.

PERMITS AND APPROVALS PROCESSED UNDER GCC TITLE 8

GCC 8-5B-6 Term of [Subdivision] Permits

A. Failure To Submit Final Subdivision: Approval of a preliminary subdivision and combined preliminary and final subdivision shall become null and void if a final subdivision has not been signed by the city clerk and engineer within two (2) years of the approval of the preliminary subdivision, unless otherwise granted in the initial decision document; or two (2) years of the combined preliminary and final subdivision unless an extension or phasing plan is approved by city council.

GCC 8-6A-8 Expiration of Approvals

A. All application approvals shall expire one (1) year from the date of approval, unless otherwise specified by this code or:

1. The city issues a building permit for the proposed improvement, development, or use prior to the expiration of the one (1) year; or
2. By condition of approval or development agreement, a time period for completion of the application has been specified; or
3. A certificate of compliance has been issued; or
4. The final plat of a subdivision approval is recorded with Ada County; or otherwise defined by section 8-5B-6 of this title.

B. City council may allow for an extension of not more than one (1) year; provided:

1. Good cause for the request; and
2. The application and/or applicable city regulations have not changed; and
3. There has been no major change in the neighborhood, plans, or policies that would affect the compatibility of the project; and
4. 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
5. It is determined by the city council that it is in Garden City's best interest to grant the extension.

A request for an extension is no guarantee that the extension will be granted.

Expanded reasons for request:

The challenges of affordability and availability of housing continue throughout the Treasure Valley. Our team has been working tirelessly to balance the complexities of development with the turbulence of construction costs and market absorption. We are currently reviewing the building design to find a way to better meet the demands of the public in a volatile housing market while we continue to work through the civil engineering review with Garden City.

Financing and construction costs remain the greatest challenges to the finalization of the architectural process and commencement of construction. The decline in rent rates in Garden City has changed the original project assumptions and contributed to volatility of the housing market, which, in turn, has greatly affected the project proforma, financing terms, interest rates, and ever-evolving list of demands from the underwriters. Of course, this is great news for renters looking for more affordable and better quality residences, but without a commensurate decrease in construction costs has made the financing of construction projects much more difficult.

We remain excited for Pointe Pierce Villas and committed to developing the project with ALL of the conditions of approval from the City Council. We appreciate your consideration and would be happy to answer any questions that you may have pertaining to this request for extension.

RE: Supplemental Information in Support of Extension Request

Pointe Pierce Villas — File No. SUBFY2024-0002

405 & 409 E. 47th Street, Garden City, ID 83714

Director Thornborrow:

Thank you for your review of the extension request submitted for Pointe Pierce Villas, and for the opportunity to provide additional information. This letter supplements that request by addressing the cause of the delay, the circumstances beyond the applicant's control, and the ownership's continued and active pursuit of the project.

The ownership groups, 47th Venture Group, LLC and Standley Properties, LLC, have together invested well over six figures to date in consultant contracts and City fees to bring Pointe Pierce Villas to its current entitled status. That level of investment reflects a clear and continuing commitment to carry the project through to construction and completion, rather than to hold the approval speculatively.

The project remains under active development. The construction documents are presently in their ninth round of review, and the design team continues to refine the documentation to keep the project buildable under current cost and market conditions.

The primary obstacle to commencing construction has been the external financing and cost environment. Elevated interest rates, evolving lender underwriting requirements, and a measurable decline in Garden City rental rates have compressed projected revenues and required the project's financing structure to be reworked. The applicant and ownership have remained in active, ongoing discussions with their lender to secure financing that is viable under present conditions. These are market-driven circumstances outside the applicant's control.

The ownership continues to actively pursue both financing and completion of the construction documents in order to begin construction. We would be glad to provide documentation of the ongoing lender discussions and the current construction-document review upon request, and to answer any questions the Council or staff may have. We appreciate your consideration of this extension request.



DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2921 ■ Fax 208/472-2996 ■
www.gardencityidaho.govoffice

To: City Council
From: Jenah Thornborrow, Development Services Director
Subject: DSRFY2021-0011 Fifth Extension Request
Date: For June 8, 2026, City Council Meeting

REQUEST

Extension of Design Review Approval: DSRFY2021-0011. This is not a public hearing.

BACKGROUND

This matter was continued from the June 8, 2026, meeting. The packet materials are linked here: [June 8, 2026 Council Packet](#). The Council requested an executed agreement and documentation from ACHD. Both have been provided.

ATTACHED DOCUMENTS

- Executed Agreement
- ACHD documentation
- Draft potential City Council Decision approving the request

SETTLEMENT AGREEMENT AND STIPULATION REGARDING FINAL EXTENSION DESIGN REVIEW FILE NO. DSRFY2021-11

This Settlement Agreement and Stipulation Regarding Final Extension ("Agreement") is entered into as of June 8, 2026, by and between the City of Garden City, Idaho, a municipal corporation ("City"), and requester Jason Jones with Wee Boise, Inc, which is the property owner ("Applicant"), concerning Design Review File No. DSRFY2021-11.

RECITALS

1. Applicant is the owner of 208 E. 33rd Street and the requester associated with Design Review File No. DSRFY2021-11 ("Application").
2. Applicant has previously received four extensions of the Application approval, the most recent of which was granted on May 12, 2025, at which time the City Council for City indicated in the written decision that it would be Applicant's last extension.
3. Applicant requested a fifth extension of the Application approval on May 6, 2026.
4. The City Attorney on behalf of City and Applicant desire to resolve the extension issue by memorializing Applicant's agreement that any extension granted pursuant to this Agreement shall be final and that Applicant waives any claim to further extensions.
5. The City Council for City, as the final decision maker on extension requests, has not predetermined whether to accept this Agreement, and it will not be decided by City Council whether to accept this Agreement until the City Council meeting on June 8, 2026.
6. This Agreement is contingent upon the City Attorney's recommendation to the City Council that one final extension be granted and upon the City Council's approval and grant of such extension.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Stipulation Regarding Final Extension. When the City Attorney recommends to the City Council for City that one final extension of the approval associated with Design Review File No. DSRFY2021-11 should be granted, and if the City Council for City grants such extension on June 8, 2026 (which has not been predetermined and will not be decided until the City Council meeting on June 8, 2026), then Applicant hereby stipulates and agrees in this Agreement that such extension is the final extension to which Applicant is or shall be entitled under any legal theory, that Applicant will not request any further extension of the Application approval beyond the expiration date established by such final extension, and that Applicant waives and releases any claim, right, or entitlement to any additional extension or extensions of the Application approval, whether based on the Garden City Code in effect at the time of the original Application approval, subsequent amendments to the Garden City Code, vested rights, equitable estoppel, or any other legal or equitable theory.

2. Contingency and Effectiveness. This Agreement and the stipulation set forth in Section 1 are expressly contingent upon and subject to: (a) the City Attorney's recommendation to the City Council of City that one final extension be granted for Design Review File No. DSRFY2021-11; and (b) the City Council's approval and grant of such final extension. If either condition is not satisfied, this Agreement shall be null and void and of no force or effect.

3. Waiver and Release of Claims. If the City Council approves this Agreement and grants one final extension on June 8, 2026, Applicant hereby waives, releases, and forever discharges the City, its officers, employees, agents, attorneys, and representatives from any and all claims, demands, causes of action, damages, liabilities, and expenses (including attorney's fees and costs) arising out of or relating to: (a) the denial of any extension request beyond the final extension contemplated by this Agreement; (b) any assertion that the Garden City Code in effect at the time of the original Application approval entitled Applicant to unlimited or additional extensions; (c) any claim that the City Council's limitation on the number of extensions is arbitrary, capricious, or unlawful; and (d) any other claim relating to the Application or extensions thereof, except claims arising from the City's breach of this Agreement or claims arising from City actions unrelated to the extension issue.

4. Binding Effect; Recordation. If the City Council approves this Agreement on June 8, 2026, it shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns. The City may, at its discretion, record this Agreement in the real property records of Ada County, Idaho, and Applicant agrees to execute any additional documents reasonably necessary to facilitate such recording.

5. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Idaho.

6. Entire Agreement. This Agreement constitutes the entire agreement between the City Attorney for City and Applicant concerning the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations, and discussions, whether oral or written, between the parties relating to the extension of Design Review File No. DSRFY2021-11.

7. Amendment. This Agreement may not be amended or modified except by a written instrument executed by both parties.

8. Severability. If any provision of this Agreement is held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not be affected or impaired thereby.

9. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

10. Authority. The City Attorney for City and Applicant each represent and warrant that they have the full right, power, and authority to enter into this Agreement and to perform its obligations hereunder, and that the person executing this Agreement on behalf of such party is duly authorized to do so. However, it will not be known if the City Council for City authorizes such settlement and grants one final extension until the Council Meeting on June 8, 2026, as there has not been any predetermination by City Council, and the extension issue will be decided during the City Council meeting on June 8, 2026. The City Attorney makes legal recommendations to City Council, but the City Council for City is the final decision maker on whether to grant Applicant's extension request and/or to accept the terms of this Agreement.

11. Voluntary Execution. The parties acknowledge that they have read this Agreement, understand its terms, and enter into it voluntarily and without duress or coercion.

SIGNATURE BLOCKS

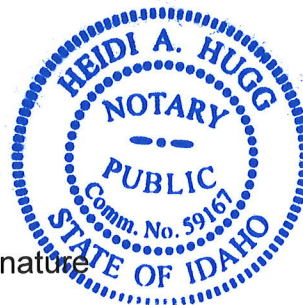
APPLICANT:

Jason Jones

Date: 6-22-2026

ATTEST:

Name and signature of Attester to Applicant's above signature



CITY OF GARDEN CITY, IDAHO:

APPROVED AS TO FORM AND RECOMMENDATION TO CITY COUNCIL:

Charles I. Wadams, City Attorney City of Garden City

Date: 6/23/26

William L. Jacobs, Mayor City of Garden City

June 8, 2026

ATTEST:

Lisa Leiby, City Treasurer/Clerk City of Garden City



June 22, 2026

Garden City Mayor and City Council

Garden City Planning & Zoning Department

6015 N. Glenwood Street

Garden City, ID 83714

Re: DSRFY2021-0011, Park 33, Supplemental Submission for July 13 Hearing

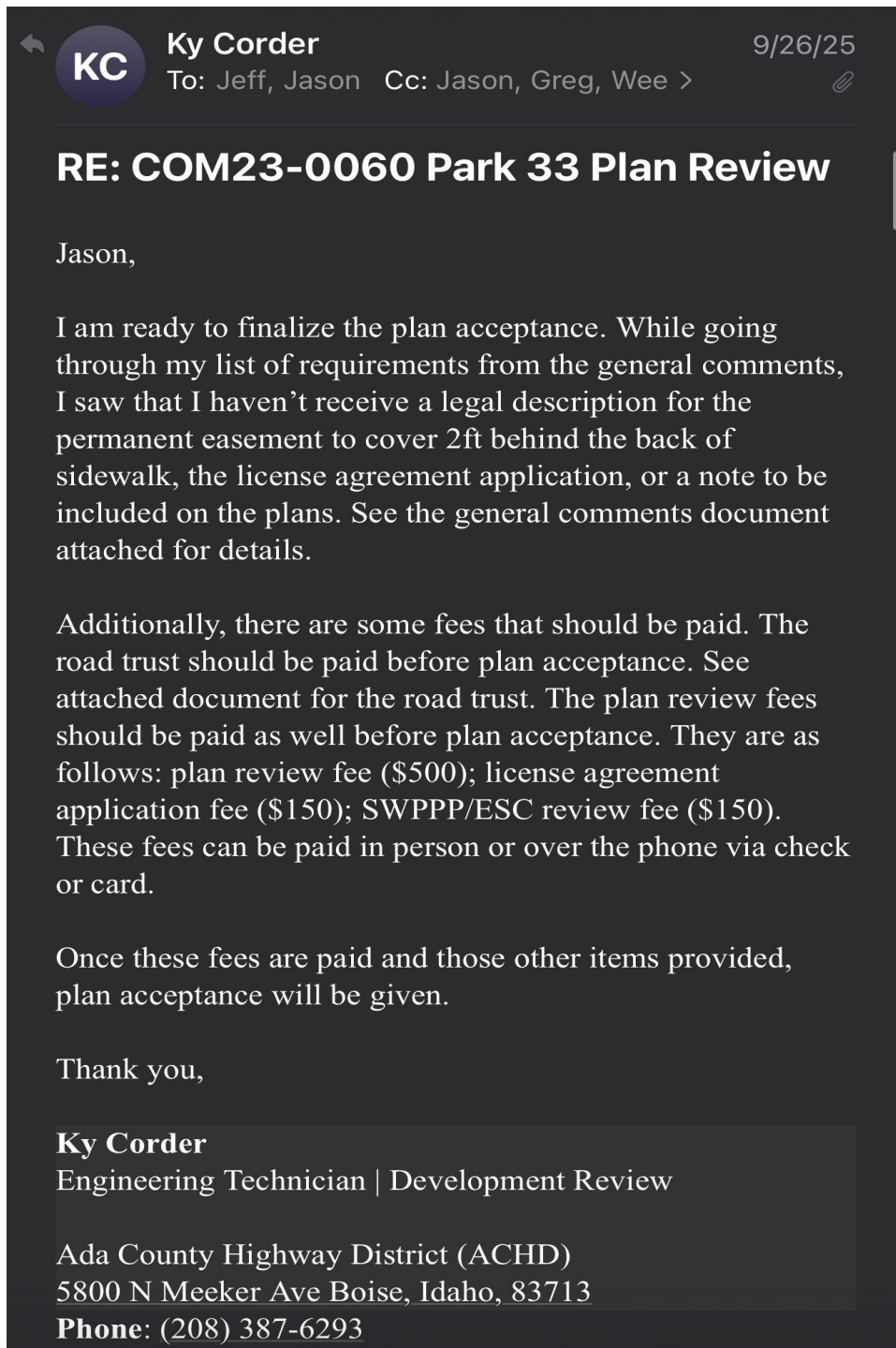
Dear Mayor, Council, and Staff,

This letter accompanies the ACHD documentation requested at the June 8 hearing. It is offered to clarify the timeline of ACHD coordination, the nature of what ACHD's requirements actually are, the work that has occurred during the period between November 2025 and the present, and the consistency of this request with how the City has treated other recent extension requests.

1. ACHD Timeline and Nature of the Requirement

A note of clarification on what the ACHD road trust actually covers. The road trust is not a fee in lieu of stormwater. ACHD's original site-specific condition required the applicant to construct half the road section on 33rd Street, including curb, gutter, and sidewalk. ACHD subsequently reduced that requirement to installing only the sidewalk, conditional on a road trust covering the remaining road frontage improvements and a future drainage swale that ACHD intends to install at a future date as part of a whole-block project. The September 26, 2025 emails from Ky Corder and Michael Alexander at ACHD document this clarification.

On September 26, 2025, ACHD confirmed in writing that ACHD was "ready to finalize the plan acceptance." The remaining items per ACHD were: payment of the road trust (\$12,400), three administrative fees (\$500 plan review, \$150 license agreement application, \$150 SWPPP/ESC review), and three administrative items (legal description for the 2-foot easement, the license agreement application itself, and a plans note). The full text of that email is shown below.



September 26, 2025 email from Ky Corder, ACHD Engineering Technician, confirming ACHD was ready to finalize plan acceptance.

That same morning, an exchange of emails clarified that the design the applicant's engineering team had been preparing for submission was based on a different understanding of ACHD's requirements than what ACHD actually intended. The applicant's team had been working under the understanding that the applicant would design and build the curb, gutter, drainage system,

and sidewalk components. ACHD clarified that the road trust covered the road frontage improvements and a future swale that ACHD itself would build, and that the applicant's required scope had been narrowed to installing only the sidewalk. The applicant's same-day reply to ACHD is shown below.

Sorry for the repeated email, but something happened with the text, making it unreadable.

So, are you saying that as part of this approval we are not being required to build anything but the sidewalk? This wasn't how I understood we were proceeding when we proceeded to design the section that we have submitted for approval. My understanding is that we would simply complete what has been designed here in its entirety so that we could also meet the requirements that Garden City is imposing on us. We had abandoned using the road trust months ago, which is why we came back to this design route. When we were initially offered the option to do a road trust it was in Lieu of actually doing the design and building the curb, gutter, stormwater, and sidewalk systems, but Garden City wouldn't agree to that for a number of reasons. Now that we think we have a design that both ACHD and Garden City agree can be built, we would prefer to move forward building this design if possible, and not paying into the road trust.

Jason Jones

Applicant's September 26, 2025 reply to ACHD, indicating the applicant had previously understood the road trust to be off the table and had designed and submitted a system intended to satisfy both ACHD and Garden City requirements.

October 2025 was spent disentangling the differing understandings of what ACHD required versus what the applicant had been preparing to build, and exploring whether ACHD would accept the design the applicant's team had already prepared in lieu of the road trust payment. Those discussions included phone calls and meetings with ACHD as well as continued coordination with the applicant's engineering team. By the end of October, it was clear that ACHD's position would not change: payment of the road trust would be required before plan acceptance would issue, and the design alternative would not be substituted for that payment.

By November 2025, the applicant had a complete ACHD submittal package ready to file under the road trust pathway, and had accepted the structural constraint that all fees must be paid before plan acceptance could issue. The applicant has held submission since November pending financing.

2. Why Submission Has Been Held

ACHD requires payment of approximately \$13,200 in non-refundable fees before plan acceptance will be issued. Submitting before financing is secured would commit those funds with no guarantee that the project moves forward to construction. The applicant's posture has been to complete financing first, then trigger the submission and payment together. This is consistent with the broader project philosophy of not committing capital irrevocably until the project is fully resourced.

This holding pattern was communicated to ACHD contemporaneously and in writing. On January 16, 2026, the applicant wrote to Ky Corder at ACHD stating that the applicant was holding the payment because of uncertainty about whether the project would move forward, that the applicant was still looking for investment financing, that the applicant still planned to move forward if that financing materialized, and asked whether anything else was needed from the applicant in the meantime. That email is shown below.



January 16, 2026 email from applicant to Ky Corder at ACHD, communicating the holding pattern and the reason for it.

3. Financing Activity Since November 2025

The financing work that has occurred since November 2025 has been substantial but is, by its nature, conducted largely through meetings and phone conversations rather than through documents that can be produced for a public record. The applicant has met with multiple banks

regarding conventional construction financing and has met with multiple prospective investor partners regarding the equity participation that the project now requires. These conversations have been ongoing throughout the November 2025 to present period.

The applicant respectfully declines to identify individual lenders and prospective investors by name in this public record. Doing so would damage the applicant's relationships with capital sources and would interfere with the active capital raising that the extension is intended to allow. The applicant is willing, if requested by Council or the City Attorney, to discuss the specifics of capital raising activity on a confidential basis.

4. Project Sequencing and Consistency with City Practice

The Council has expressed concern, on the record, about half-finished projects sitting incomplete elsewhere in Garden City. The applicant has heard that concern and has structured this project's progression specifically to avoid that outcome. Other Garden City applicants, when faced with deadline pressure, have pulled building permits and commenced partial construction in order to convert a long pre-construction timeline into a series of shorter building-permit-cycle extensions. The City has continued, as recently as April 2026, to grant extensions on projects that have done exactly that, including projects that are partially constructed and whose owners are actively seeking buyers to complete the work.

The applicant declined to take that path. The applicant has not pulled building permits, has not commenced construction, has no partially constructed structures requiring ongoing City management, and is asking only for the time needed to complete financing before any ground is broken. The applicant's extension count is lower than comparable projects because the applicant has not used the building permit cycle to manufacture additional extension opportunities.

The City's recent extension decisions have also addressed the question of what constitutes good cause. In approving extensions over the past year, the City has accepted financing-related circumstances as satisfying the good cause requirement, including in decisions issued within the past several months that explicitly identified the applicant's inability to finance the project as the basis for the extension. That pattern of decisions reflects the City's working interpretation of the good cause standard under the code in effect at the time of each project's original approval, which is the same framework that governs this application. The applicant's good cause showing here, which rests on documented ACHD coordination, contemporaneous communications with ACHD regarding the holding pattern, and active capital raising at current cost structures, is consistent with the good cause findings the City has made in those recent decisions.

5. Why Financing Now Requires Equity Participation

The structural reason this financing process is more involved than originally anticipated is that the project requires equity participation alongside bank debt, where at original conception it could have been financed primarily through bank debt.

This project was originally filed in September 2019, pre-COVID. At 2019 construction costs, the project would have been financed through a conventional construction loan, and the applicant's financial structure at that time would have supported the project as designed. The original project was tied up in reconsideration and judicial review proceedings that concluded in March 2022. During that two-and-a-half-year window, construction costs roughly doubled industry-wide. A project that was approximately a \$2 million build in 2019 is approximately a \$4 million build at current costs.

That structural change in project cost has, in turn, changed what financing the project requires. At 2019 costs, conventional construction debt would have penciled. At current costs, the project requires equity participation from an investor partner alongside bank debt. Raising equity is a slower and more complex process than securing a construction loan. The applicant did not plan for or anticipate the need for equity participation when the project was first conceived. That need is a function of the cost environment the project entered, not of any business choice the applicant made.

6. Conclusion

The extension being requested is the time needed to complete equity raising at current cost structures, after which the road trust payment and other fees can be triggered, ACHD submission filed, plan acceptance issued, and construction begun. The applicant has signed the settlement agreement acknowledging this as the final extension. The documents accompanying this letter substantiate the timeline and activity described above.

Respectfully,

Jason Jones

Applicant, Park 33 (DSRFY2021-0011)

Wee Boise Inc.

208 E. 33rd St., Garden City, ID 83714

jj@208dirt.com | 208-999-9208

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	DSRFY2021-0011
	)	
Extension Request #5	)	FINDINGS OF FACT,
Address: 208 E. 33 rd Street	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
_____	)	

THIS MATTER came before the Garden City Council for consideration on June 8, 2026 and July 13, 2026. The City Council reviewed the request. Based on the evidence presented, pursuant to Garden City Code § 8-6-A. 8 the City Council makes the following Findings of Fact, Conclusions of Law, and Decision:

FINDINGS OF FACT

1. The requester is Jason Jones with Wee Boise, Inc.
2. The property owner of record is Wee Boise, Inc.
3. The location of the project is 208 E. 33rd Street; Ada County Assessor parcel number(s) R2734541364.
4. The application was approved on April 5, 2021.
5. The City Council upheld the approval on May 10, 2021.
6. A one-year extension was granted on April 24, 2022, to May 10, 2023.
7. A second one-year extension was granted on April 24, 2023.
8. A third one-year extension was granted on May 13, 2024.
9. A fourth one-year extension was granted on May 12, 2025.
10. This request was submitted in writing on May 7, 2025.
11. The City Council considered this extension request on June 8, 2026, and continued it to July 13, 2026. This continuance was provided to allow the applicant time to submit documentation from ACHD regarding their approval path and to execute the agreement that Mr. Jones committed to on the record.

12. The record contains:
 - a. Applicant request.
 - b. Record documents for DSRFY2021-0021.
 - c. Extension Agreement dated June 22, 2026.
 - d. ACHD documentation verifying a path forward, per June 8, 2026, discussion.
 - e. Previous extension requests and decision documents.

13. The following standards in the Garden City Code apply to this proposal:

STANDARDS: GCC 8-6A-8 EXPIRATION OF APPROVALS (Ordinance 1002-18 + Ordinance 1032-23)	CONCLUSIONS	REASONED STATEMENTS
1. The request is in writing (ordinance 1032-23). 2. Good Cause exists for the request. (finding for both ordinance 1002-18 and ordinance 1032-23) 3. The application and/or applicable regulations have not changed (ordinance 1002-19). 4. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project(ordinance 1002-19). 5. The property is compliant and has been compliant, or actively pursuing compliance with all city, state, and federal with codes and laws since the date of approval(ordinance 1002-19). 6. It is in the City's best interest to grant the	The request meets the standards.	1. The request is in writing. <u>Explanation</u> The city received a timely request in writing. 2. Good Cause exists for the request: <u>Explanation</u> Good cause exists for the requested extension based on demonstrated circumstances beyond the applicant's control and ongoing efforts to advance the project. The record shows that the project experienced material delays associated with external regulatory coordination, particularly the resolution of stormwater requirements with the Ada County Highway District, which was not finalized until late 2025. Additionally, the applicant has identified significant increases in construction costs since project inception, which have impacted the ability to secure financing necessary to proceed. The applicant has continued to pursue financing and regulatory compliance while intentionally avoiding premature

extension (ordinance 1002-19). 7. A request for an extension is no guarantee that the extension will be granted(ordinance 1002-19).		construction. Collectively, these factors constitute reasonable grounds supporting a finding of good cause. 3. The application and/or applicable regulations have not changed. <u>Explanation:</u> The record demonstrates that applicable regulations have materially changed since the original approval of the application. Notably, the Work-Live-Create overlay under which the project was reviewed has been repealed, and under current code the project would not meet off-street parking requirements, being deficient by approximately fourteen spaces. These changes represent substantive differences between the regulatory framework in effect at the time of approval and current standards. While there have been changes to applicable city regulations, the City Council finds that, for purposes of this extension request, the applicable review framework is the ordinance in effect at the time of the original approval, consistent with legal guidance and prior practice. Under that framework, the relevant criteria for extension remain unchanged. While subsequent amendments to city code have occurred, those changes do not alter the evaluation criteria applicable to this extension request when reviewed under the governing ordinance at the time of approval.
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		4. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project: <u>Explanation:</u> There is no evidence in the record of a material change in the surrounding neighborhood or adopted plans that would alter the original compatibility determination. The proposal remains substantially the same as originally approved and continues to be evaluated within the same general land use context. 5. The property is compliant and has been compliant, or actively pursuing compliance with all city, state, and federal with codes and laws since the date of approval: <u>Explanation:</u> There are no current known code compliance violations at the property. While full verification of compliance has not been independently confirmed by inspection, the available information supports a finding that the applicant has either maintained compliance or is actively working toward compliance with applicable regulations. 6. It is in the City's best interest to grant the extension: <u>Explanation:</u> Granting the requested extension is found to be in the City's best interest because it supports the completion of a previously approved development. The applicant's decision to secure full
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		project financing prior to commencing construction is consistent with the City's interest in promoting orderly and financially viable development and minimizing the risk of stalled projects. The project remains otherwise positioned to proceed upon obtaining financing, which supports the likelihood of eventual completion. The Council recognizes that the number of extension requests associated with this approval is a matter of concern. The Council has an interest in ensuring that development proceeds in a timely manner and in allowing current development standards and code requirements to be applied when projects do not advance. However, the applicant has represented that securing financing is the only remaining obstacle to project commencement and has indicated that a one-year extension will provide sufficient time to obtain the necessary funding. The applicant has further agreed that if financing is not secured within the requested extension period, no additional extension requests will be pursued. Based on these representations and the circumstances of the project, the Council finds that approval of a final one-year extension is reasonable and in the City's best interest. 7. A request for an extension is no guarantee that the extension will be granted: <u>Explanation:</u> Pursuant to GCC 8-6A-8, the granting of an extension is discretionary and
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		contingent upon the City Council making all required findings. The code explicitly provides that submission of a request for extension does not entitle the applicant to approval. Each request must be evaluated on its own merits and the evidence in the record at the time of decision.
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CONCLUSIONS OF LAW

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

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 of the building permit.

1. This approval is for a one-year extension to May 10, 2027.
2. This approval concurrently extends permits BLDFY2023-0117 and PWUFY2023-0014.
3. Final decisions may be subject to judicial review pursuant to the Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
4. A takings analysis pursuant to Idaho Code may be requested on certain final decisions.

July 13, 2026

Mayor, William L. Jacobs

Date



OFFICE OF THE CITY ATTORNEY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2915 ■ Fax 208/472-2998

TO: Mayor and Council
FROM: Charles I. Wadams
DATE: July 13, 2026
SUBJECT: Second Memorandum for DSRFY2021-0011 (Park 33) Fifth Request for Extension of Design Review Approval

ACTION REQUIRED: Within the City Council's discretion.

RECOMMENDATION: Granting one more extension.

FISCAL IMPACT/BUDGET IMPLICATIONS: There is no significant financial impact to the City if the extension is approved.

BACKGROUND: DSRFY2021-0011 is a Design Review approval for a project named "Park 33" at 208 E. 33rd Street. The Park 33 project began on about December 31, 2018, in file number DSRFY2019-4, when Jason Jones filed a Pre-Application Meeting request form for Design Review of a proposed mixed-use development. The specific project details were: 35 attached structures on 14,985 square feet of property; 8 parking spaces total (6 on-street and 2 off-street); within Mixed Use Zoning District, but requested the Surel Mitchell LWC Overlay District. This project was eventually approved by Judge Medema after Jason Jones filed a Petition for Judicial Review on February 20, 2020. Pursuant to Resolution No. 1116-22, file number DSRFY2019-4 expired on March 28, 2023.

While the Petition for Judicial Review was pending, on August 26, 2020, Jason Jones submitted a second application for approval of the Park 33 construction to the Design Review Committee (DRC) under file number DSRFY2020-25, which was similar to the initial application filed on September 13, 2019. Lou Landry appealed the decision of DRC to approve application DSRFY2020-25. The two applications submitted within a year of each other were for the same address, and had the same or similar building materials, look, setbacks, and colors. The City Council (CC) concluded that DSRFY2020-25 was premature and therefore, not properly in front of CC on an appeal.

Moreover, while the Petition for Judicial Review was pending, on March 11, 2021, Petitioner submitted a third application for approval of the Park 33 construction to DRC under file number DSRFY2021-11, which was similar to the first two applications. The application was for a design review for new construction of a Live-Work-Create development. The identified changes included:

SECOND MEMORANDUM FOR DSRFY2021-0011 (PARK 33) FIFTH REQUEST FOR EXTENSION OF DESIGN REVIEW APPROVAL

1. The container doors visible from 34th Street were replaced with wood doors.
2. Additional bike racks were placed towards the southern property boundary line.
3. Provided 5 covered bike parking spots.
4. 24 bicycle parking spots were added to the rear parking area. DSRFY2020-0025 proposed 9 parking spots, DSRFY2021-0011 proposed 6 parking spaces with 24 bike parking spaces.
5. Previously proposed bicycle street parking spots were removed.
6. South property boundary proposes a privacy fence similar to that proposed in DSRFY2020-0025; however, there was an addition of a gate proposed to face E. 33rd Street.
7. Live and work units were rearranged, however the 1:1 ratio of live to work units remained the same.
8. Some live units have two workspaces.
9. Bathroom units have been removed.
10. Additional balcony on western side of the second story
11. Decreased balcony on southern side of second story.
12. Solar panels not shown in site plans.
13. Landscape plans appear to be the same.
14. West elevations show additional units on 3rd floor.

On April 5, 2021, DRC approved the third proposed design with the following additional, site-specific conditions to abate the biggest issues:

1. All live spaces must have an associated indoor workspace of at least 250 square feet on site.
2. All workspaces must have an associated live space on site with a bedroom, closet, bathroom, and kitchen, and that has been reviewed and approved through the building permit process as a dwelling.
3. There shall not be more than 2,700 square feet of cumulative workspace on site.
4. The average size of all living space on site shall not exceed 1,000 square feet.
5. All non-residential structures and portions thereof must obtain a new certificate of occupancy for any change in building occupancy, prior to occupancy of the structure or portion thereof.
6. All non-residential uses on site must obtain appropriate permits and be compliant with Garden City Code and use standards prior to occupancy.
7. Where possible, the live and workspaces that are connected by a common wall should share a common tenant.
8. The workspaces that are open to the public shall be designed to have an obvious entrance and address identification.
9. The following amenities shall be provided or replaced with an amenity from the same category of amenity as identified in Garden City Code:
 - a. Quality of Life Amenities: Enclosed Bike Storage.
 - b. Open Space: 4,800 square feet of Plaza.

Mr. Landry again appealed the decision of DRC to approve application DSRFY2021-11, a design review application for a seven unit live-work-create development located at 208 E. 33rd Street. On May 10, 2021, the City Council affirmed DRC's decision and denied the appeal. The CC sustained each of DRC's conclusions, and affirmed its decision for application DSRFY2021-0011. Mr. Landry submitted a request for reconsideration but CC took no further action. A Petition for Judicial Review was not filed on the City's Council's approval of DSRFY2021-11.

Regarding DSRFY2021-11, Mr. Jones was granted his first one-year extension at his request on April 25, 2022. He was granted a second one-year extension at his request on April 24, 2023. Concerning DSRFY2021-11, the city received a third extension request on March 26, 2024, stating that the delay was because, "this application and two previous applications were in various phases of approval at different times because of legal action." Mr. Jones also submitted that the changes to the code would not "prevent the application from being approved again today under current code." On May 13, 2024, Mr. Jones' third extension request was granted.

The city received a fourth extension request on March 24, 2025, stating that the delay was because, "this application and previous applications were in various phases of approval at different times because of legal action, and hold ups related to ACHD street changes." Mr. Jones again submitted that the changes to the code would not "prevent the application from being approved again today under current code." On May 12, 2025, Mr. Jones' fourth extension request was approved until May 10, 2026, by CC. In the decision, CC indicated that "this is the final extension that will be granted."

On May 7, 2026, the city received a fifth extension request in which Mr. Jones claims that there is good cause for the extension because: (1) resolution of the primary ACHD obstacle, with timing extending into late 2025; (2) construction cost escalation since project inception in 2019; (3) responsible sequencing of financing before construction; (4) consistency with extensions recently granted for similar reasons; and (5) continued investment and active project advancement. Mr. Jones also submits that an extension would be in the city's best interest. Mr. Jones also points out that the Garden City Code at the time his application was initially granted did not indicate that there were a limited number of extensions available. I am now providing an analysis of the issues presented for CC's consideration.

ANALYSIS: Garden City Code § 8-6A-8 controls expiration of approvals. Garden City Code § 8-6A-8.A states:

All application approvals shall expire one (1) year from the date of approval, unless otherwise specified by this code or:

1. The city issues a building permit for the proposed improvement, development, or use prior to the expiration of the one (1) year period; or
2. By condition of approval or development agreement, a time period for completion of the application has been specified; or

SECOND MEMORANDUM FOR DSRFY2021-0011 (PARK 33) FIFTH REQUEST FOR EXTENSION OF DESIGN REVIEW APPROVAL

3. A certificate of compliance has been issued; or
4. The final plat of a subdivision approval is recorded with Ada County; or otherwise defined by section 8-5B-6 of this title.

Regarding extension requests prior to September 23, 2024, G.C.C. § 8-6A-8.B stated:

City council may allow for an extension of not more than one (1) year; provided:

1. Good cause for the request; and
2. The application and/or applicable city regulations have not changed; and
3. There has been no major change in the neighborhood, plans, or policies that would affect the compatibility of the project; and
4. 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
5. It is determined by the city council that it is in Garden City's best interest to grant the extension.

A request for an extension is no guarantee that the extension will be granted.

This is the version of the code that has been applied for the Applicant's extension requests. However, the extension requirements have changed over the years. The old Title 8 was repealed, and a new Title 8 adopted, by Ordinance No. 898-08 on September 8, 2008. At that time, G.C.C. § 8-6A-8 stated:

- A. All application approvals shall expire three hundred sixty five (365) days from the date of approval unless: (a) the City issues a building permit for the proposed improvement, development, or use prior to the expiration of the three hundred sixty five (365) day period; or (b) by condition of approval or development agreement, a time period for completion of the application has been specified.
- B. An extension may be granted by the Commission upon findings that *the application and/or applicable City regulations have not changed*. Such extension must be applied for sixty (60) days prior to the expiration date for the original approval; only one extension of not more than three hundred sixty five (365) days shall be granted.

(*italics added*).

The extension requirements in G.C.C. § 8-6A-8 were first amended by Ordinance No. 944-12 on May 14, 2012. The requirements were amended again by Ordinance No. 1002-18 on January 28, 2019. The extension requirements were amended on February 13, 2023, and on September 23, 2024.

In pertinent part, Ordinance No. 944-12 adopted on May 14, 2012, states:

- A. All application approvals shall expire three hundred sixty five (365) days from the date of approval unless: (a) the City issues a building permit for the proposed improvement, development, or use prior to the expiration of the three hundred sixty five (365) day period; or (b) by condition of approval or development agreement, a time period for completion of the application has been specified; or (c) a Certificate of Compliance has been issued; (d) otherwise defined by 8-5B-6.
- B. ~~An~~ Provided applicable regulations have not changed; one (1) extension may be granted by staff not to exceed one hundred eighty (180) days.
- C. ~~the commission~~ The approving body, or Planning and Zoning Commission if staff was the approving body, may allow for additional extensions provided:
 - 1. ~~Upon findings that~~ *The application and/or applicable City regulations have not changed; and*
 - 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
 - 3. ~~Such extension must be applied for sixty (60) days prior to the expiration date for the original approval; only one extension~~ An extension shall not be granted for more than three hundred sixty five (365) days shall be granted.

(italics added).

Additionally, Ordinance No. 1002-18 adopted on January 28, 2019, in part, states:

- A. All application approvals shall expire three hundred sixty-five (365) days from the date of approval unless:
 - 1. the city issues a building permit for the proposed improvement, development, or use prior to the expiration of the three hundred sixty-five (365) day period; or
 - 2. by condition of approval or development agreement, a time period for completion of the application has been specified; or
 - 3. a certificate of compliance has been issued; or
 - 4. The final plat of a subdivision approval is recorded with Ada County; or otherwise defined by section 8-5B-6 of this title.
- B. ~~Provided applicable regulations have not changed; one (1) extension may be granted by staff not to exceed one hundred eighty (180) days.~~
- C. B. City Council may allow for additional ~~an~~ extensions of not more than three hundred sixty-five (365) days provided that they find:

1. Good cause for the request; and
2. *The application and/or applicable city regulations have not changed; and*
3. There has been no major change in the neighborhood, plans, or policies that would affect the compatibility of the project; and
4. ~~Justifiable cause shall be demonstrated.~~
5. 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
6. It is determined by the City Council that it is in Garden City's best interest to grant the extension.
7. A request for an extension is no guarantee that the extension will be granted. ~~No permit shall be extended more than four (4) years beyond the original approval.~~

(*italics added*).

Ordinance No. 1032-22 adopted on February 13, 2023, in part, states:

- A. All application approvals shall expire one (1) year ~~three hundred sixty-five (365) days~~ from the date of approval, unless otherwise specified by this code or unless:
 1. The city issues a building permit for the proposed improvement, development, or use prior to the expiration of the one (1) year ~~three hundred sixty-five (365) days~~ period; or
 2. By condition of approval or development agreement, a time period for completion of the application has been specified; or
 3. A certificate of compliance has been issued; or
 4. The final plat of a subdivision approval is recorded with Ada County; or otherwise defined by section 8-5B-6 of this title.
- B. City council may allow for an extension of not more than one (1) year ~~three hundred sixty-five (365) days~~; provided, ~~that it finds:~~
 1. Good cause for the request; and
 2. *The application and/or applicable city regulations have not changed; and*
 3. There has been no major change in the neighborhood, plans, or policies that would affect the compatibility of the project; and
 4. 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
 5. It is determined by the city council that it is in Garden City's best interest to grant the extension.

A request for an extension is no guarantee that the extension will be granted.

(*italics added*).

This 2023 Ordinance No. 1032-22 is the version of the code that has previously been applied to Mr. Jones' extension requests, and is the version that Mr. Jones argues should be applied again.

Prior to September 23, 2024, in the context of, G.C.C. 8-6A-8.B.2., "*the application and/or applicable city regulations have not changed*" meant:

- a. the application has not changed; or
- b. the applicable city regulations have not changed; or
- c. both.

Therefore, if the city regulations had changed but the application had not changed, requirement number 2 was still satisfied.

However, the CC finally removed the "and/or" language in Ordinance No. 1045-24, adopted on September 23, 2024, which in part, states:

- C. A request for an extension is no guarantee that the extension will be granted. One (1) extension not exceeding one (1) year may be granted, provided:
 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; and
 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
 3. The extension request is submitted to the development services department in writing prior to the application's expiration date.
- D. Extension requests will be determined by the city council in all instances except for conditional use permit extension requests. Extension requests for conditional use permits are administrative pursuant to Idaho Code § 67-6529F(4) and the planning official shall make the determination.

This 2023 Ordinance No. 1032-22 is the version of the code that has previously been applied to Mr. Jones' extension requests, and is the version that Mr. Jones argues should be applied again.

In *Wee Boise, Inc. v. Garden City*, Ada County Case No. CR01-20-03481 (Fourth Judicial District March 3, 2022), the district judge stated that "Council may not deny a[n] ... application that meets what few clear and objective standards the City has enacted simply because, upon reviewing the application, the Council wishes it had enacted more requirements or different requirements." (*Wee Boise*, p. 18).

SECOND MEMORANDUM FOR DSRFY2021-0011 (PARK 33) FIFTH REQUEST FOR EXTENSION OF DESIGN REVIEW APPROVAL

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If portions of the extension code are vague, it does not mean the extension request should be denied. Under the *Wee Boise* decision, if codified standards are subjective, they are unusable, which essentially means they are irrelevant to the application: “[t]o the extent that Council denied the application because the Council held the application did not meet unclear and subjective criteria in the Garden City ordinances . . . the Council erred as a matter of law.” (*Wee Boise*, p. 19). The applicant may not be punished if the City’s code contains portions that are vague and subjective. Therefore, I am recommending the CC grant the extension if the objective requirements of Garden City Code § 8-6A-8.B are satisfied.

Accordingly, the questions remain about what version of the code should be applied, and whether the objective requirements of Garden City Code § 8-6A-8.B are satisfied. In this fifth extension request, Mr. Jones submits that there is good cause for the extension because: (1) resolution of the primary ACHD obstacle, with timing extending into late 2025; (2) construction cost escalation since project inception in 2019; (3) responsible sequencing of financing before construction; (4) consistency with extensions recently granted for similar reasons; and (5) continued investment and active project advancement. Mr. Jones also submits that an extension would be in the city’s best interest. Mr. Jones also points out that the Garden City Code at the time his application was initially granted did not indicate that there were a limited number of extensions available. Therefore, he submits that this condition is not enforceable.

The primary stated basis for the first extension request in 2022 was that the pandemic caused delays. The stated basis for the second extension request in 2023 was because, “this application and two previous applications were in various phases of approval at different times because of legal action.”

There was no additional basis listed in the third extension request, as it again states the delay was because “this application and two previous applications were in various phases of approval at different times because of legal action.” However, the “legal action” was concluded on March 3, 2022, which was before the second extension was granted. It was never clarified how legal action concluded in 2022 is “good cause” for a 2025 extension.¹ However, there was an additional allegation in 2025 is that the delay was caused by “hold ups related to ACHD street changes.” In the fourth extension request, Mr. Jones indicated the delay was because, “this application and previous applications were in various phases of approval at different times because of legal action, and hold ups related to ACHD street changes.”

The extension code amended in 2024 now specifies that “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.” The legal definition of “good cause” in Idaho generally refers to a substantial reason that rises to the level of a legal excuse. This standard is applied in various legal contexts, including determining whether to grant an extension in court proceedings. The

¹ The third extension request in 2024 was identical to the second extension request in 2023, and provided no new information.

determination of “good cause” is fact-specific and depends on the circumstances of each case. Courts in Idaho have consistently held that “good cause” requires more than arbitrary, frivolous, or irrelevant reasons; it must be a legally sufficient ground or reason. *Allen v. Lewis-Clark State College*, 105 Idaho 447; *In re Cummings*, 118 Idaho 800; *State v. Prano*, 170 Idaho 337.

In the context of granting extensions, “good cause” is assessed based on the facts and circumstances of the particular case. For example, in *In re Cummings*, 118 Idaho 800, the Idaho Court of Appeals explained that “good cause” means a substantial reason that affords a legal excuse. The decision maker independently reviews whether good cause has been shown, focusing on the specific reasons for the delay and whether they justify the extension. *In re Cummings*, 118 Idaho 800. Similarly, in *State v. Prano*, 170 Idaho 337, the court emphasized that the analysis of good cause should focus on the reason for the delay, and where the reason is well-defined and clearly sufficient, no further factors need to be considered. However, in cases where the sufficiency of the reason is subject to disagreement, additional factors may be considered such as:

- (1) the length of the delay, and
- (2) any prejudice [to the city or applicant] caused by the delay.

State v. Prano, 170 Idaho 337.

The application of “good cause” in Idaho is not governed by a fixed rule but is left to the discretion of city council in quasi-judicial matters. **Courts and City Council may consider various factors, including:**

- (1) the totality of the circumstances,
- (2) the diligence of the party requesting the extension, and
- (3) whether the delay was caused by factors outside the party’s control.

For instance, in *State v. Clark*, 135 Idaho 255, the Idaho Supreme Court clarified that a thorough analysis of the reasons for the delay is the soundest method for determining good cause, and the court may weigh additional factors if the sufficiency of the reason is unclear. *State v. Mansfield*, 559 P.3d 1177.

In summary, “good cause” in Idaho is a flexible standard that requires a substantial and legally sufficient reason for the requested action, such as an extension in court. The determination is fact-specific and involves a careful analysis of the reasons for the delay, with courts or city council exercising discretion based on the circumstances of each case.

The “good cause” standard in the context of a request to extend a land use application in Idaho generally requires a substantial reason that rises to the level of a legal excuse. In Idaho, courts have emphasized that there is no fixed rule for determining “good cause,” and the matter is initially left to the discretion of the decision-maker, such as a trial court or administrative body. The analysis should focus on whether the circumstances are real, substantial, and compelling, rather than imaginary, trifling, or whimsical. The determination often involves a thorough analysis of the reasons for the request, and the decision must be based on sound reasoning and practical application of legal principles.

Schafer v. Ada County Assessor, 111 Idaho 870; *Mercy Med. Ctr. v. Ada County*, 146 Idaho 226.

Examples of factors that may constitute good cause include sudden illness, natural catastrophes, or other unavoidable circumstances, while lack of diligence or convenience alone is insufficient. *In re Cummings*, 118 Idaho 800; *Chambers v. Idaho Bd. of Pharm. & Agency*, 170 Idaho 701; *Crawford v. Guthmiller*, 164 Idaho 518.

For land use applications specifically, I.C. § 67-6535 requires that decisions be based on express standards and criteria set forth in applicable ordinances or regulations. These decisions must be founded on sound reasoning and practical considerations, ensuring fairness and reasoned decision-making. This statutory framework underscores the importance of demonstrating a substantial and legally sufficient reason for an extension request.

In Washington, “good cause” can meet the statutory requirement in its local land use planning act for express standards and criteria when deciding whether to grant an extension request provided it is explicitly incorporated into the municipal land use ordinance. Washington law allows local governments to adopt different time limits for substantial development permits upon a finding of “good cause,” as long as the decision is consistent with the policy and provisions of the master program and the relevant chapter. This is explicitly stated in 90.58.143 (time requirements — Substantial development permits, variances, conditional use permits), which permits local governments to base such decisions on the requirements and circumstances of the proposed project. Additionally, Washington courts have emphasized that municipal ordinances must provide clear standards and criteria to guide discretionary decisions, ensuring that such discretion is not unbridled. For example, in *World Wide Video v. Spokane*, 125 Wn. App. 289, the court upheld an ordinance that required applicants to demonstrate “extreme economic hardship” to obtain an extension, as it provided precise criteria to prevent uncontrolled discretion. This principle supports the idea that incorporating “good cause” into a municipal ordinance would satisfy statutory requirements for express standards and criteria.

In California, the court has clarified that a “good cause” requirement in a municipal ordinance serves as a threshold determination rather than an automatic or exclusive standard for granting an extension. The city council retained discretion to deny an extension even if “good cause” was shown, provided there were sufficient overriding factors. This indicates that “good cause” alone may not meet the statutory requirement for express standards and criteria, as it allows for subjective judgment and discretion beyond the threshold determination. *Court House Plaza Co. v. City of Palo Alto*, 117 Cal. App. 3d 871; *Laraway v. Sutro & Co.*, 96 Cal. App. 4th 266; *Tanguilig v. Valdez*, 36 Cal. App. 5th 514.

In federal jurisdictions, “good cause” can serve as a standard under federal land use planning acts if it is accompanied by clear, objective criteria that constrain discretion and ensure consistent application. *Mardi Gras of San Luis Obispo v. City of San Luis Obispo*,

189 F. Supp. 2d 1018; *Dongtai Peak Honey Indus. v. United States*, 777 F.3d 1343; *Oakland Physicians Med. Ctr. v. Azar*, 330 F. Supp. 3d 391.

In the instant extension request, incorporating the old Garden City Code § 8-6A-8 (expiration of approvals) appears to satisfy the statutory requirement in Idaho Code § 67-6535 because the criteria are clearly articulated in the ordinance and enable permit applicants, residents, and decision-makers to understand the standards that must be met for approval. The criteria in GCC § 8-6A-8 (expiration of approvals), such as requiring “good cause for the request,” ensuring no changes in the application and/or regulations, and evaluating neighborhood and policy changes, align with the statutory intent of providing clear and express standards.

Case law supports this interpretation, emphasizing that the standards must be sufficiently detailed to guide decision-making and allow for meaningful judicial review. The criteria must be **applied consistently** and accompanied by a **reasoned statement** explaining the decision. Failure to provide such a reasoned statement or to address compliance with the express standards can result in invalidation of the decision. Therefore, while the criteria appear to meet the statutory requirements, their implementation must adhere to the procedural safeguards outlined in the statute to ensure compliance and avoid legal challenges.

The version of the municipal land use code that applies to the extension request depends on whether the land use application has materially changed since its original approval and the adoption of the new code. Under I.C. § 67-6535, decisions regarding land use applications must be based on express standards and criteria set forth in the governing authority’s comprehensive plan, zoning ordinance, or other appropriate regulations. If the land use application has changed significantly, the current version of the municipal land use code would likely apply to the extension request, as the new application would need to comply with the updated standards and criteria.

In *Citizens Against Linscott v. Bonner Cty. Bd. of Comm’rs*, 168 Idaho 705, the court emphasized that land use decisions must be based on the standards and criteria in effect at the time of the decision, particularly when the prior standards no longer authorize the proposed use. Similarly, in *Burns Holdings, LLC v. Teton County Bd. of Comm’rs*, 152 Idaho 440, the court required compliance with the current standards when the governing authority’s findings and conclusions were inadequate under the prior code. These cases suggest that if the application has materially changed, the current code would govern the extension request.

However, if the application remains unchanged and the extension request is merely procedural, the original version of the municipal land use code may still apply, as long as the original approval was valid and consistent with the standards in place at that time. *N. W. Neighborhood Ass’n v. City of Boise*, 172 Idaho 607; *Jasso v. Camas County*, 151 Idaho 790. The determination ultimately depends on whether the changes to the application are substantial enough to warrant a re-evaluation under the updated code.

The extension code now specifies that “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.” The legal definition of “good cause” in Idaho generally refers to a substantial reason that rises to the level of a legal excuse. This standard is applied in various legal contexts, including determining whether to grant an extension in court proceedings. The determination of “good cause” is fact-specific and depends on the circumstances of each case. Courts in Idaho have consistently held that “good cause” requires more than arbitrary, frivolous, or irrelevant reasons; it must be a legally sufficient ground or reason. *Allen v. Lewis-Clark State College*, 105 Idaho 447; *In re Cummings*, 118 Idaho 800; *State v. Prano*, 170 Idaho 337.

In the extension request, Mr. Jones states:

4. Good Cause for Extension

Good cause exists for the requested extension based on the following material developments and ongoing conditions:

A. Resolution of the primary ACHD obstacle, with timing extending into late 2025.

Coordination with ACHD on the project’s stormwater requirements continued throughout 2025. The site cannot meet the standard on-site stormwater code, and the applicant worked through the year to identify a workable resolution, preferably one that did not require payment of a fee in-lieu. Final discussions resolving the path forward did not occur until November 2025, at which point ACHD agreed to approve the project subject to payment of a fee-in-lieu of approximately \$12,000. The timing of when that payment must be made is itself part of the financing analysis, because the payment is a meaningful expense that the applicant does not want to make until full project financing is in place.

B. Construction cost escalation since project inception in 2019.

The applicant first began attempting this project in 2019. Since that time, the projected construction cost has more than doubled. This is consistent with broader construction-industry cost movement post-2019 and is not a project-specific problem. It is, however, the single largest reason that the responsible sequencing of this project, meaning securing full financing before breaking ground, takes longer today than it would have at original conception.

C. Responsible sequencing of financing before construction.

Earlier in this project, the applicant could have pulled a building permit and started partial construction to extend deadlines through the building process. That is a pattern observed elsewhere in Garden City. The applicant chose not to take that path, because doing so would have produced a partially constructed project requiring ongoing City management, which is the outcome the Council has stated it wants to avoid. Granting this entitlement extension recognizes the more disciplined choice the applicant has already made: securing full project financing before breaking ground. This is an important distinction. The applicant’s extensions are design review extensions, which operate on a longer cycle than

building permit extensions. Other Garden City projects of similar vintage have moved into the building permit phase, pulled permits, commenced partial construction, and then accumulated a substantial number of shorter-cycle extensions to keep partially constructed phases viable. Park 33 has not done so. The applicant has remained at the entitlement stage by choice, has not pulled permits, has not commenced construction, and has no half-built structures requiring ongoing City management. The lower extension count on Park 33 reflects the longer design review cycle and a deliberate decision not to break ground until full financing is in place, not a lower level of project activity.

Under Idaho law, the determination of “good cause” for granting an extension of a land use or design review entitlement is fact-specific and depends on the circumstances of the case. The explanation provided—ongoing coordination with the Ada County Highway District (ACHD), construction cost escalation since 2019, and the applicant’s decision to secure full financing before commencing construction—may or may not constitute “good cause” depending on whether these reasons meet the legal standard of a “substantial reason” that affords a legal excuse.

The Idaho Supreme Court has clarified that “good cause” requires a substantial reason, one that provides a legal excuse, and is evaluated based on the specific facts and circumstances of the case. In *re Cummings*, 118 Idaho 800 (1990), *Chambers v. Idaho Bd. of Pharm. & Agency*, 170 Idaho 701 (2022). Factors outside the applicant’s control, such as delays caused by third parties or external circumstances like natural catastrophes, may support a finding of good cause. However, the court has also emphasized that there is no bright-line test for determining good cause, and the analysis is highly contextual.

In the context of land use decisions, Idaho Code § 67-6535(2)(b) requires that any reconsideration or extension decision be based on compliance with applicable procedural standards and supported by a reasoned written statement. Idaho Code § 67-6521. Additionally, Idaho Code § 67-6519(5) mandates that decisions granting or denying applications specify the standards used, the reasons for the decision, and any actions the applicant could take to obtain approval. These statutory requirements underscore the importance of a clear and reasoned explanation for granting or denying an extension.

The explanation provided—coordination with ACHD, cost escalation, and securing financing—could potentially constitute good cause **if these factors are shown to be outside the applicant’s control and if they significantly impeded progress on the project.** However, the applicant bears the burden of demonstrating that these reasons meet the legal standard for good cause. The CC must evaluate whether these reasons are substantial and legally sufficient to justify a fifth extension, particularly in light of the statutory and case law emphasis on timely development and the limited availability of extensions.

While the reasons provided could potentially amount to good cause under Idaho law, this determination depends on the specific facts and circumstances, as well as the governing ordinances and procedural standards. The statement that these reasons constitute good

cause must be supported by a reasoned analysis that aligns with the statutory and case law requirements for extension requests. Without such an analysis, the assertion may not accurately reflect Idaho law and relevant legal standards.

Additionally, CC could enforce a condition from a previous extension approval stating, “this is the final extension that will be granted,” even if the original municipal code does not expressly limit the number of extensions, provided that the condition is reasonable, consistent with statutory authority, and not arbitrary or capricious. Under Idaho law, municipalities operate under the principle of “Dillon’s Rule,” which means they possess only those powers expressly or impliedly granted by the state legislature. *Caesar v. State*, 101 Idaho 158 (1980) and Idaho Code § 67-6512 allows for the imposition of conditions on special use permits, including those that control the sequence, timing, and duration of development. Idaho Code § 67-6519. Similarly, Idaho Code § 67-6515 permits planned unit developments to be approved with conditions, provided such conditions are consistent with statutory and ordinance requirements. *Citizens Against Linscott v. Bonner Cty. Bd. of Comm’rs*, 168 Idaho 705 (2021), *Johnson v. Blaine County*, 146 Idaho 916 (2009). These statutes collectively establish that municipalities have the authority to impose reasonable conditions on land use approvals, including extensions.

The Idaho Supreme Court has upheld the validity of conditions imposed by local governments, provided they are not arbitrary, capricious, or unreasonable. For example, in *Dry Creek Partners, LLC v. Ada County Comm’rs ex rel. State*, 148 Idaho 11 (2009), the court recognized that local governments may impose time limitations on extensions as a legislative judgment, even if such limitations are not explicitly required by the municipal code. The court emphasized that such conditions serve legitimate governmental interests, such as ensuring timely development, and are not inherently unreasonable.

Furthermore, Idaho Code § 67-6535 requires that decisions on land use applications, including extensions, be based on express standards and criteria set forth in ordinances or regulations. The decision must also be accompanied by a reasoned statement explaining the rationale for the decision. If the city council previously approved an extension with the explicit condition that it would be the final extension, this condition would likely be enforceable as long as it was clearly communicated, reasonable, and supported by the applicable ordinance or comprehensive plan.

The enforcement of such a condition must not violate constitutional or statutory provisions, exceed the city council’s statutory authority, or be arbitrary or capricious. Additionally, the decision must not result in a regulatory taking without proper analysis. Therefore, while the municipal code may not expressly limit the number of extensions, CC can enforce a condition limiting extensions if it is reasonable, consistent with statutory authority, and supported by a reasoned decision-making process. The condition must also align with the principles of fairness and sound reasoning required under Idaho law.

However, if CC decides to decline the request after deliberations, finding there is not good cause, a reasoned statement could look like the following:

Potential Draft Findings of Fact for Denial:

- a. The Council finds that the Applicant's asserted bases for "good cause" are primarily financial and business-planning considerations, including timing of financing and the Applicant's preference to defer expenditures (including the fee-in-lieu) until financing is secured.
- b. The Council finds that the Applicant's ACHD-related explanation does not establish that ACHD prevented the Applicant from proceeding with the project during the extension periods already granted, but instead reflects ongoing coordination culminating in a fee-in-lieu condition and the Applicant's decision to delay payment pending financing.
- c. The Council finds that construction cost escalation since 2019 is a generalized market condition and does not, by itself, establish a legally sufficient excuse for repeated extensions of an entitlement where the Applicant has not commenced construction.
- d. The Council finds that the Applicant's decision not to pull permits or commence construction is a voluntary project-management choice and not a circumstance imposed by the City or a legal impediment created by the City.
- e. The Council finds that the Applicant has already received four extensions over multiple years and has not demonstrated concrete, time-bound steps showing that construction will commence within a defined period if a fifth extension is granted.
- f. The Council finds that the Council previously advised in its May 12, 2025, decision granting the fourth extension that it would be the Applicant's last extension, and the Applicant has not shown materially changed circumstances sufficient to justify departure from that determination.

5. Potential Draft Conclusions of Law and Reasoned Analysis for Denial

- a. The Applicant bears the burden to demonstrate "good cause" for a fifth extension.
- b. "Good cause" requires more than a preference for additional time; it requires a substantial reason that provides a legally sufficient excuse under the governing ordinances and procedural standards applicable to extension requests. The Council concludes the Applicant has not met this burden on the record presented.
- c. Idaho Code § 67-6535 requires the Council to base its decision on express standards and criteria in the applicable regulations and to provide a reasoned statement connecting the record to the decision. The Council's decision is grounded in the following principles:
 - i. Extensions are discretionary relief intended to accommodate legitimate, time-limited impediments, not to preserve entitlements indefinitely where the applicant elects not to proceed.
 - ii. Repeated extensions without commencement of construction undermine the purpose of time limits and finality in land use approvals and are inconsistent with orderly administration of the City's land use regulations.
- d. ACHD coordination and fee-in-lieu timing:
 - i. The Applicant's narrative indicates ACHD's path forward was resolved by November 2025 through a fee-in-lieu condition of approximately \$12,000.

- ii. The remaining asserted impediment is the Applicant's desire to delay payment until financing is secured. The Council concludes this is not "good cause" because it is a discretionary financial sequencing decision rather than a legal or regulatory barrier preventing progress.
 - iii. The Council further concludes that the Applicant has not shown why the ACHD issue could not have been resolved earlier within the multiple extension periods already granted, nor has the Applicant shown that ACHD imposed a new, unforeseeable requirement arising after the fourth extension that would justify a fifth.
- e. Construction cost escalation:
 - i. The Applicant asserts that construction costs have more than doubled since 2019.
 - ii. The Council concludes that market-driven cost escalation, while real, is a generalized economic condition and does not constitute "good cause" for repeated entitlement extensions absent a showing that the City's standards, procedures, or actions caused the delay or that an external legal impediment prevented timely commencement.
 - iii. The Council further concludes that accepting generalized cost escalation as "good cause" for repeated extensions would effectively convert time-limited approvals into open-ended entitlements whenever market conditions are unfavorable, which is inconsistent with the City's regulatory framework and the requirement that land use decisions be based on express standards and criteria.
- f. Financing strategy and avoidance of partial construction:
 - i. The Applicant asserts that he chose not to pull permits or commence partial construction to avoid partially constructed improvements requiring City management.
 - ii. The Council concludes that this is a voluntary business decision and does not constitute "good cause" because it is not a legal excuse and does not demonstrate that the Applicant was prevented from proceeding by circumstances beyond his control.
 - iii. The Council further concludes that the City's interest in avoiding partially constructed projects does not obligate the City to grant repeated extensions at the entitlement stage where the Applicant has not commenced construction and has not demonstrated a definite timeline to do so.
- g. Consistency with Idaho law governing reasoned decision-making:
 - i. The Council has identified the applicable legal standards, made findings supported by the record described above, and articulated a rational connection between those findings and the denial of the requested relief.
 - ii. The Council concludes that granting a fifth extension on the asserted grounds would be inconsistent with the governing ordinances and procedural standards for extensions because the Applicant has not demonstrated a substantial, legally sufficient excuse for continued nonperformance after four prior extensions and after the Council's May 12, 2025, notice that the fourth extension would be the last.

6. Potential Draft Decision for Denial:

- a. The Applicant's fifth request for extension of Design Review File No. DSRFY2021-11 is denied.
- b. The Council concludes the Applicant has not met his burden of proof to establish good cause for a fifth extension under the governing ordinances and procedural standards, as applied to the specific facts and circumstances in the record.

Under Idaho law, the determination of "good cause" for granting an extension of a land use or design review entitlement is fact-specific and depends on the circumstances of the case. The explanation provided—ongoing coordination with the Ada County Highway District (ACHD), construction cost escalation since 2019, and the applicant's decision to secure full financing before commencing construction—**may or may not constitute "good cause" depending on whether these reasons meet the legal standard of a "substantial reason" that affords a legal excuse.**

The Idaho Supreme Court has clarified that "good cause" requires a substantial reason, one that provides a legal excuse, and is evaluated based on the specific facts and circumstances of the case. In *re Cummings*, 118 Idaho 800 (1990), *Chambers v. Idaho Bd. of Pharm. & Agency*, 170 Idaho 701 (2022). Factors outside the applicant's control, such as delays caused by third parties or external circumstances like natural catastrophes, may support a finding of good cause. However, the court has also emphasized that there is no bright-line test for determining good cause, and the analysis is highly contextual

In the context of land use decisions, Idaho Code § 67-6535(2)(b) requires that any reconsideration or extension decision be based on compliance with applicable procedural standards and supported by a reasoned written statement. Idaho Code § 67-6521. Additionally, Idaho Code § 67-6519(5) mandates that decisions granting or denying applications specify the standards used, the reasons for the decision, and any actions the applicant could take to obtain approval. **These statutory requirements underscore the importance of a clear and reasoned explanation for granting or denying an extension.**

The explanation provided—coordination with ACHD, cost escalation, and securing financing—could potentially constitute good cause **if these factors are shown to be outside the applicant's control and if they significantly impeded progress on the project.** However, the applicant bears the burden of demonstrating that these reasons meet the legal standard for good cause. The decision-making body must evaluate whether these reasons are substantial and legally sufficient to justify a fifth extension, particularly in light of the statutory and case law emphasis on timely development and the limited availability of extensions.

The determination of whether Mr. Jones is entitled to additional extensions for his land use application depends on several factors, including the applicable version of the municipal code, the nature of the changes to the application, and the procedural history of the case. The city's legal liability for denying the fifth extension request and its ability to apply the most recent version of the code are also governed by these considerations.

If the city denies Mr. Jones' fifth extension request, its decision must comply with the procedural and substantive requirements of the Local Land Use Planning Act (LLUPA). Under LLUPA, land use decisions must be based on express standards and criteria set forth in the governing authority's comprehensive plan, zoning ordinance, or other appropriate regulations Idaho Code § 67-6535. Additionally, the decision must be accompanied by a reasoned statement explaining the criteria and standards considered, the relevant contested facts, and the rationale for the decision Idaho Code § 67-6535, *N. W. Neighborhood Ass'n v. City of Boise*, 172 Idaho 607 (2023), *Jasso v. Camas County*, 151 Idaho 790 (2011).

The city's denial of the extension could be challenged if it is found to be arbitrary, capricious, or unsupported by substantial evidence. However, as noted in, *Veterans Park Neighborhood Ass'n, Inc. v. City of Boise*, 564 P.3d 350 (2025) a governing board's decision is afforded a strong presumption of validity, and courts will not substitute their judgment for that of the board unless substantial rights of the appellant have been prejudiced *Veterans Park Neighborhood Ass'n, Inc. v. City of Boise*, 564 P.3d 350 (2025). If Mr. Jones cannot demonstrate actual harm or a violation of his fundamental rights, his challenge is unlikely to succeed.

Mr. Jones' argument that the original code did not limit the number of extensions is unlikely to prevail if the city can demonstrate that its decision to deny further extensions is consistent with LLUPA and supported by substantial evidence. The Idaho Supreme Court has upheld the principle that local governments have discretion to interpret and apply their own ordinances, provided their actions are not arbitrary or capricious *Citizens Against Linscott v. Bonner Cty. Bd. of Comm'rs*, 168 Idaho 705 (2021), *Veterans Park Neighborhood Ass'n, Inc. v. City of Boise*, 564 P.3d 350 (2025). Furthermore, the city could argue that granting unlimited extensions would undermine the purpose of zoning ordinances and the timely development of land.

The city could argue that the current version of the code applies due to the significant passage of time and the repeated extensions, which could be construed as a material change to the application. In *N. W. Neighborhood Ass'n v. City of Boise*, 172 Idaho 607 (2023) the court emphasized that land use decisions must be based on the standards and criteria in effect at the time of the decision, particularly when the prior standards no longer authorize the proposed use *N. W. Neighborhood Ass'n v. City of Boise*, 172 Idaho 607 (2023). If the city can demonstrate that the application has materially changed or that the extensions have effectively created a new application, it may apply the current code to the fifth extension request.

On June 8, 2026, this agenda item and CC deliberations were started and then continued so that the record could be augmented to include a proposed conditional settlement agreement and some reported ACHD documentation, which is part of the basis of the extension request. As stated in the June 8, 2026 council meeting, I had agreed on the Friday before to recommend a settlement agreement that was conditional on CC deliberations and agreement. As a result, the applicant has stipulated in writing that this would be the last extension, and this is an option on July 13, 2026.

At the June 8, 2026 council meeting, the applicant indicated that:

- (1) He doesn't know if this will ever be built because it may no longer be the highest and best use.
- (2) He thinks there is only a 30-40% chance this project gets built.
- (3) He hasn't done any significant improvements, but some of his costs are "in the ground, and costs have now doubled.
- (4) He hasn't been able to get any financing even though he has been actively seeking financing for several months.
- (5) He would agree to the following compromise:

Stipulation Regarding Final Extension. If the City Attorney recommends to the Garden City Council that one final extension of the approval associated with Design Review File No. DSRFY2021-11 should be granted, and if the Garden City Council grants such extension, then Applicant hereby stipulates and agrees in writing that such extension is the final extension to which Applicant is or shall be entitled under any legal theory, that Applicant will not request any further extension of the Application approval beyond the expiration date established by such final extension, and that Applicant waives and releases any claim, right, or entitlement to any additional extension or extensions of the Application approval, whether based on the Garden City Code in effect at the time of the original Application approval, subsequent amendments to the Garden City Code, vested rights, equitable estoppel, or any other legal or equitable theory.

Contingency and Effectiveness. This Agreement and the stipulation set forth are expressly contingent upon and subject to: (a) the City Attorney's recommendation to the Garden City Council that one final extension be granted for Design Review File No. DSRFY2021-11; and (b) the Garden City Council's approval and grant of such final extension. If either condition is not satisfied, this Agreement shall be null and void and of no force or effect.

Also during the June 8, 2026 council meeting, it was discussed that because of the current market, the applicant would prefer to have the extension until July 31, 2027, and would stipulate to continue the matter until July 31, 2026 if needed to make this happen. The council indicated that it was not inclined to grant an extension until July 31, 2027. So, I believe that generally, CC could legally either grant or deny the extension request.

Going forward, the Idaho Supreme Court has upheld the validity of ordinances that limit the number of extensions, emphasizing that such limitations serve the public interest in ensuring timely development and are not arbitrary or capricious. *Dry Creek Partners, LLC v. Ada County Comm'rs ex rel. State*, 148 Idaho 11 (2009). For example, in *Dry Creek Partners, LLC v. Ada County Comm'rs ex rel. State*, 148 Idaho 11 (2009), the court noted that allowing a single extension provides a safety valve for applicants facing unexpected problems, but precluding subsequent extensions is a legislative judgment that is not inherently unreasonable. Allowing a single extension provides a safety valve for applicants facing unexpected problems, but precluding subsequent extensions is a legislative judgment that is not inherently unreasonable. This reasoning suggests that

granting a fifth extension may face heightened scrutiny, as it could be seen as inconsistent with the legislative intent to promote timely development.

CONCLUSION: The extension should be granted if the objective requirements of G.C.C. § 8-6A-8.B are satisfied. The extension should not be denied merely because the Garden City parking regulations were changed after the approval. Therefore, based on the conditional settlement agreement, I'm recommending that CC grant one more extension.

However, CC could still deny an extension request if other objective requirements are not met as long as any denial is not arbitrary or capricious and did not violate his vested rights. The city may also argue that the current code applies due to the repeated extensions and the passage of time, particularly if the application has materially changed. Ultimately, the city's decision should adhere to the procedural and substantive requirements of LLUPA in making its decision.



OFFICE OF THE CITY ATTORNEY

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Phone 208/472-2900 ■ Fax 208/472-2996

TO: Mayor and Council
FROM: Charles I. Wadams, City Attorney
DATE: July 13, 2026
SUBJECT: Third Memorandum for Proposed Prohibition of High-Speed Electric Motorbikes and Scooters (Ordinance No. 1268-26)

ACTION REQUIRED: Within the City Council's discretion.
RECOMMENDATION: Approve the High-Speed Electric Motorbike Prohibition Ordinance No. 1268-26 after three readings
FISCAL IMPACT/BUDGET IMPLICATIONS: Unknown.

BACKGROUND: On January 8, 2024, the City Council (CC) passed Resolution 1165-24, approving the Memorandum of Understanding (MOU) between Ada County Sheriff's Office, Boise Police Department, and the Garden City Police Department, along with each agency's legal advisors. The executed MOU allows police officers from all three departments the statutory authority to enforce the law on the Greenbelt, regardless of city or county boundaries in Boise, Garden City, Eagle, Star, and unincorporated Ada County.

The MOU allows for greater protection of Garden City residents, as there are less confusion and more uniformity regarding jurisdiction and policing. This MOU was a product of a law enforcement committee designed to unify policies and procedures regarding the Greenbelt. Ada County, Boise, Eagle, Star, and Garden City agreed to the MOU.

In 2024, police representatives from Ada County, Boise, Garden City, Eagle, and Star were tasked with developing a uniform ordinance for the Greenbelt that Ada County, Boise, Eagle, Garden City and Star would adopt. Based on their recommendations, each jurisdiction passed similar ordinances. Garden City's ordinance was titled number 1042-24. It included the proposed revisions for the Greenbelt Code to be uniform across jurisdictions and updated code surrounding e-scooters. The other involved jurisdictions similarly passed their code amendments. On July 11, 2024, the media was given incorrect information about a potential speed limit on the Greenbelt in Ada County, which was since clarified.

On August 26, 2024, CC decided that it did not want an "administrative process" for people who wish to contest one of these Greenbelt infraction tickets and that it should be written on an Idaho Uniform Citation (unlike parking tickets). Any Greenbelt tickets will be transferred to court without an internal administrative process (unlike BCC § 6-13-25).

The CC agreed that the new GCC § 10-1-3 should apply to all of the city's public parks and it should cover all "vehicles" and not pedestrians. The CC also agreed that the infraction fine should be increased to \$100 plus court costs. Under the Idaho Code, infractions can now be a fixed amount of up to \$300 plus court costs.

Additionally, Garden City is now having some issues with e-scooters, and a 16-year-old juvenile was recently pulled over on a Segway Ninebot MAX G3. The Segway Ninebot MAX G3 features a powerful 2000W peak motor, a 50-mile maximum range, dual hydraulic suspension and a max speed up to 28 mph. It is one type of Segway - Max G3 Electric Scooter, which is a Commuter Scooter having a 28-mph Max Speed and a 50-Mile Range. Similar to e-bikes, the legal classification and requirements for operating faster scooters such as the Segway Ninebot MAX G3 depend on whether it falls under any of the definitions provided in Idaho law. Faster e-scooters like the Segway Ninebot MAX G3 appear to be an electric personal assistive mobility device or a similar device, which may not be classified as a "motor vehicle" under Idaho law unless explicitly stated.

Garden City had a work session on this topic on June 8, 2026. For June 8, 2026, I had previously drafted some provisions in the ordinance that could easily be taken out or modified. For example, I have drafted the police's ability to impound, but I could easily take it out or modify it. GCPD was in favor of the ability to impound. While some might think that the police need to impound the vehicle as evidence that it is a high-speed electric motorbike, the police could also bodycam it or photo it and not have to impound it. Additionally, I was asked to put in a provision that threatens parental liability. The city could take that or leave that as well.

The city council instructed it did not want to amend the city definition of **motor vehicle** to include high-speed electric motorbike. The city doesn't need that definition to enforce this. I recommend the city let the legislature, judiciary, and/or ITD decide that. And then if there is a decision or ruling that some or all high-speed electric motorbikes are a "motor vehicle" for purposes of DUI under Idaho Code, then the city should then rely on the Idaho Code for definitions and not local code.

On June 8, 2026, the city council instructed to change the max speed for a legal e-bike becoming an illegal high-speed electric motorbike to be in excess of 28 mph. But some think that going up to 28 mph is too dangerous, and the legal limit for e-bikes should be closer to 20 mph. I understand what the Idaho Code indicates, and some ambiguities it creates, but I think the cities can at least pick from 28-30 mph, and I think we can likely pick from 20-28 mph also, although those may also be categorized as "bicycles" under the Idaho Code if meeting the definition of Class 3.

Therefore, in the attached draft code amendment of Garden City, I changed the definition of E-bikes that are allowed on streets, parks, and greenbelt to be:

an Electronic Personal Mobility Device that is a vehicle having two (2) tandem wheels or two (2) parallel wheels and one forward wheel, any two (2) of which are not less than twelve inches (12") in diameter, that is designed to be operated by human power [with pedals] with the assistance of an electric motor that has a

power output of not more than seven hundred fifty (750) watts that: a) is incapable of propelling the vehicle at a speed of more than ~~twenty (20)~~ twenty-eight (28) miles per hour; and b) disengages or ceases to function when the vehicle's brakes are applied. An E-bike is not a motor vehicle for purposes of this chapter. High-Speed Electric Motorbikes exceeding seven hundred fifty (750) watts or are capable of propelling the vehicle at a speed of more than twenty-eight (28) miles per hour are not Electric Assisted Bicycles (E-Bikes) as defined herein and are therefore prohibited on the Boise River Greenbelt, and City parks and roadways.

However, Boise only allows Class 1 and 2 e-bikes (up to 20 mph) on the Greenbelt and not Class 3 e-bikes (20-28 mph). Since the last reading of this ordinance, Boise has passed its ordinance on "E-Motos." Additionally, based on the conversation with GCPD on impoundments at the city council work session on June 8, 2026, I have added a provision on impoundments.

Some local police advisors are recommending that a High-Speed E-Motorbike (Class 4) should be considered "motor vehicles" for DUI laws. This might be true, but we do not have to decide that in this ordinance. Judge Manweiler recently found somebody guilty of a DUI on an e-scooter but that is currently being appealed. Garden City will strenuously enforce and prosecute any behavior that the legislature or court determines qualifies as a DUI. I have asked the local judiciary for feedback on the City's current draft ordinance as well.

The max output power of e-bikes that is currently allowed on the Greenbelt is not more than seven hundred fifty (750) watts. It currently must also be incapable of propelling the vehicle at a speed of more than twenty (20) miles per hour and disengages or ceases to function when the vehicle's brakes are applied. An e-bike as defined in the Garden City Code is not a motor vehicle for purposes of this chapter. It has been decided that if it has an electric motor that has a power output of more than seven hundred fifty (750) watts, it is not an e-bike and cannot be on the Greenbelt. Additionally, it has been decided that if it is capable of speed of more than twenty-eight (28) miles per hour or doesn't disengage or cease to function when the vehicle's brakes are applied, then it is also not an e-bike by GC definition and cannot be on the Greenbelt. As requested by GCPD, I did not include any reference to "Class 1," "Class 2," or "Class 3."

Currently, e-bikes and e-scooters as defined by the Garden City Code are allowed on the Greenbelt and sidewalks but faster e-bikes (Class 4) and faster e-scooters do not meet those definitions because they have too many watts and go too fast. When I drafted Garden City's E-bike code in 2024 & 2025, I took the definitions from other locations so that hopefully our definition is the same or similar as other jurisdictions. The GCC 5-10-1 definition closely aligns with the statutory framework found in Idaho law. Specifically, Idaho Code § 49-106(1) defines an "electric-assisted bicycle" as a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, meeting specific classifications based on speed and motor assistance. For example, a "Class 1 electric-assisted bicycle" provides motor assistance only when the rider is pedaling and ceases assistance at 20 miles per hour, while a "Class 2 electric-assisted bicycle" may be propelled exclusively by the motor but also ceases assistance at 20 miles per hour.

Additionally, Idaho Code § 49-123(h) explicitly excludes electric-assisted bicycles from the definition of “motor vehicle” for purposes of titling and registration.

The federal definition under 15 USCS § 2085(b) also describes a “low-speed electric bicycle” as a two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts, with a maximum speed of less than 20 miles per hour when powered solely by the motor. Similarly, 16 CFR 1512.2(a)(2) defines a bicycle with an electric motor of less than 750 watts and a maximum speed of less than 20 miles per hour as a bicycle for regulatory purposes. Thus, the definition provided in the question is consistent with Idaho’s statutory definitions and federal regulatory standards for electric-assisted bicycles or low-speed electric bicycles. However, the specific phrasing of the GCC definition in the question is most directly tied to Idaho’s statutory framework under Idaho Code § 49-106 and Idaho Code § 49-123. I think I’m going to make a violation on the greenbelt and sidewalks an infraction. I also think countywide we should prohibit them on the roadway as well but that will take longer.

House Bill 500 was passed and signed into law on March 16, 2026, officially amending state code to classify low-speed electric-assisted bicycles (under 750W, < 20-28 mph) the **same as traditional bicycles**, including that electric assisted bicycles are included in traffic regulations (Idaho Code 49-615-, 49-714 and 49-715) requiring drivers to use “due care” around them. The legislative intent behind House Bill 500 appears to align low-speed electric-assisted bicycles (under 750 watts and capable of speeds between 20-28 mph) with traditional bicycles under Idaho law. This includes subjecting them to the same traffic regulations, such as those in Idaho Code § 49-615, Idaho Code § 49-714, and Idaho Code § 49-715, which require drivers to exercise “due care” around bicycles. By doing so, the legislature likely aimed to promote safety for riders of electric-assisted bicycles while ensuring consistency in traffic laws applicable to all bicycles. The below is some preliminary research I have conducted.

Penalties for Violations by Riders of Low-Speed Electric-Assisted Bicycles:

House Bill 500 does not appear to create new penalties specific to riders of low-speed electric-assisted bicycles. However, under Idaho Code § 49-714, riders of bicycles, including electric-assisted bicycles, are required to exercise due care. Violations of this duty, such as causing an accident or property damage, could result in civil liability or criminal charges depending on the circumstances. For example, inattentive driving of a bicycle could lead to charges under Idaho Code § 49-1401(3), which applies to inattentive driving. Additionally, civil liability could arise if a rider’s negligence causes harm to another person or property.

Speed Limits for Low-Speed and High-Speed Electric-Assisted Bicycles:

Low-speed electric-assisted bicycles are subject to the same traffic regulations as traditional bicycles, which generally do not impose specific speed limits but require riders to operate safely and with due care. However, high-speed electric-assisted bicycles (those exceeding the specifications of Class 3 e-bikes) likely fall under different classifications, such as motorbikes or motor vehicles, depending on their power and

speed capabilities. These classifications could subject them to additional regulations, including speed limits, registration, and titling requirements.

Applicability of HB 500 to High-Speed Electric-Assisted Bicycles:

House Bill 500 explicitly applies to low-speed electric-assisted bicycles (under 750 watts and speeds of 20-28 mph). High-speed electric-assisted bicycles exceeding these specifications are not included in the scope of HB 500 and may be classified differently under Idaho law, potentially as motorbikes or motor vehicles, depending on their characteristics.

Definitions for E-Bikes, Mopeds, and Motorbikes (Electric and Gas-Powered Engines):

Under Idaho Code § 49-114, the definitions for mopeds and motorbikes apply to both electric and gas-powered engines. For example, a moped is defined as a limited-speed motor-driven cycle with specific power and speed limitations, regardless of whether it is powered by electricity or an internal combustion engine. Similarly, motorbikes are defined without distinguishing between electric and gas-powered engines.

Classification of Vehicles More Powerful than Class 3 E-Bikes:

Vehicles more powerful than Class 3 e-bikes may be classified as motorbikes or motor vehicles under Idaho law or federal standards. Idaho Code § 49-123 defines a motor vehicle as any self-propelled vehicle that meets federal motor vehicle safety standards for titling and registration purposes. Federal Motor Vehicle Safety Standards (FMVSS), under § 571.500 Standard No. 500, apply to low-speed vehicles but do not cover vehicles exceeding 25 mph or those with higher power outputs, which may fall under other classifications.

Prohibition of Vehicles More Powerful than Class 3 E-Bikes:

There is no explicit prohibition in Idaho Code or FMVSS against vehicles more powerful than Class 3 e-bikes being classified as motorbikes or motor vehicles. However, such vehicles may be subject to additional requirements, including registration, titling, and compliance with safety standards. Their use on roadways, public parks, trailways, or the Boise River Greenbelt can be restricted by local ordinances or specific regulations governing those areas.

ANALYSIS: Idaho municipalities have the authority to enact local police, sanitary, and other regulations within their limits, provided such regulations are not in conflict with the general laws of the state or the Idaho Constitution. Idaho Const. Art. XII, § 2, *Caesar v. State*, 101 Idaho 158 (1980), *State v. Freitas*, 157 Idaho 257 (2014), *Hauser Lake Rod & Gun Club, Inc. v. City of Hauser*, 162 Idaho 260 (2017). This authority is derived from Idaho Const. Art. XII, § 2, which grants cities the power to regulate matters of local concern, including traffic and public safety, as long as the regulations are reasonable and not preempted by state law.

The CC will need to decide the following questions:

- (1) Should High-Speed Electric Motorbikes be prohibited?
- (2) Should High-Speed Electric Scooters be prohibited?
- (3) If High-Speed Electric Motorbikes or Scooters should be prohibited, what should be the penalty?

I.

GCC § 5-10 (“Bicycles, E-Bikes, and E-Scooters”)

Garden City Code Title 5, Chapter 10, was a new addition to Garden City Code created by Ordinance No. 1042-24. I am recommending some additional changes to this chapter to prohibit High-Speed Electric Motorbikes on the streets of Garden City including sidewalks, crosswalks, bike lanes, and bike paths.

Ordinances must be used for regulatory measures, especially when there is a penalty for violation. Procedures for adopting ordinances are prescribed by Idaho Code § 50-901 through § 50-906 and must be strictly followed. Failure to follow these requirements can result in an ordinance being struck down by a reviewing court. To effectively regulate the city and increase public safety, Garden City should update its code to reflect a High-Speed Electric Motorbike prohibition on the streets.

II.

Title 10 (“Public Parks”), Chapter 1 (“Parks and Waterways Rules and Regulations”), Section 3 (“Traffic”)

Additionally, Garden City Code Title 10, Chapter 1, was also amended by Ordinance No. 1042-24. I am recommending some additional changes to this chapter to also prohibit High-Speed Electric Motorbikes in Parks including the Boise River Greenbelt.

Prior to Ordinance No. 1042-24, GCC § 10-1-3A.4 stated:

Ride or drive a motor vehicle, E-bike, or E-scooter at a rate of speed exceeding fifteen (15) miles an hour, except upon such roads designated, by posted signs, for speedier travel.

However, this provision was not uniform with the regulations of the Greenbelt in the county, and was amended pursuant to the abovementioned MOU to state that no person in any park (including Greenbelt), while operating any vehicle, shall:

Travel at a speed greater than, or in a manner that is not, reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Violation of this provision is an infraction. However,

if such travel also endangers or is likely to endanger any person or property, then violation is a misdemeanor.

The above code amendment for parks regulates “any vehicle,” including E-bikes, E-scooters, traditional bikes, skateboards, vehicles with one-wheel, etc. Therefore, it makes sense to add the prohibition against High-Speed Electric Motorbikes to this chapter.

Similarly, GCC § 10-1-3 was amended to include language regarding e-bikes and e-scooters to maintain compliance with the Greenbelt regulations and Chapter 10 as well.

The agencies involved agreed in the MOU on a common definition of Greenbelt (from GCC Title 8):

Land within seventy feet (70') of the six thousand five hundred (6,500) cfs flow line of the Boise River which may be owned by the city or over which the city may have a right of possession or use and: (A) which is designated by the city council to be retained in perpetuity for public use for purposes compatible with aesthetic, wildlife, education and recreational values of the Boise River; (B) which will provide for unrestricted, noncommercial access to the river; and (C) which will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.

The common interpretation will likely be the Greenbelt is the paved path that is within seventy feet of the Boise River. However, some of the municipal codes in Ada County previously defined greenbelt differently in different titles of their code. For the various Greenbelt ordinances, each agency verified that their new definition of “Greenbelt” was similar to the others’ definitions, which was agreed to by all the involved agencies.

Under the current Garden City Code, there is now regulation of e-bikes and e-scooters. Additionally, cities have the authority to enact a municipal ordinance regulating the use of high-speed electric motorbikes on the Boise River Greenbelt, city parks, and streets within the limitations imposed by Idaho law:

Definition of Electric-Assisted Bicycles

Idaho Code § 49-106 defines “electric-assisted bicycles” as bicycles equipped with fully operable pedals and an electric motor of less than 750 watts, with specific classifications based on speed and motor assistance. Importantly, this statute explicitly excludes vehicles exceeding 750 watts or capable of speeds greater than 20 miles per hour from the definition of electric-assisted bicycles. Therefore, the proposed ordinance's definition of High-Speed Electric Motorbikes aligns with the state’s statutory definitions.

Regulation of Bicycles and Electric-Assisted Bicycles

Idaho Code § 49-725 provides that electric-assisted bicycles are subject to the same rights, privileges, and duties as bicycles, and they may generally be ridden where bicycles are permitted unless excluded by local ordinance or signage. This statute explicitly allows

local authorities to regulate the use of electric-assisted bicycles in specific areas, such as parks and pathways, provided proper notice is given.

Limitations on Municipal Authority

While municipalities have broad regulatory authority, they are subject to several limitations:

1. **Conflict with General Laws:** Municipal ordinances must not conflict with state law. A conflict arises if the state has fully occupied the field or if the ordinance directly contradicts state law. *Idaho Dairymen's Ass'n v. Gooding County*, 148 Idaho 653 (2010). Proposed Ordinance 1068-26 does not conflict with Idaho Code § 49-106 or Idaho Code § 49-725, as it aligns with the state's definition of electric-assisted bicycles and explicitly regulates areas where local control is permitted.
2. **Reasonableness and Non-Arbitrariness:** Ordinances must be reasonable and not arbitrary. Courts have held that municipalities may regulate traffic and public safety as long as the regulations are rationally related to a legitimate governmental interest, such as safety on public pathways and parks. *State v. Freitas*, 157 Idaho 257 (2014).
3. **Jurisdictional Boundaries:** The City of Garden City's regulatory authority is confined to its municipal boundaries. The ordinance would only apply to areas within the city's jurisdiction, such as portions of the Boise River Greenbelt and roadways located within Garden City.
4. **Preemption:** If the state has impliedly preempted the regulation of electric-assisted bicycles or motorbikes, the ordinance could be invalid. However, Idaho Code § 49-725 explicitly allows local regulation of electric-assisted bicycles in certain areas, suggesting no preemption in this context.

Because the City has the authority to regulate traffic and related matters within its jurisdiction, this includes the use of High-Speed Electric Motorbikes, pursuant to Idaho Code § 50-314, which grants cities the power to control and limit traffic on streets, avenues, and public places, as well as to regulate encroachments and remove obstructions from sidewalks, curbs, and crosswalks. *Heck v. Comm'rs of Canyon County*, 123 Idaho 826 (1993).

Analysis of "Streets" vs. "Roadways" in Ordinances

The terms "streets" and "roadways" have distinct legal definitions under Idaho law. Idaho Code § 49-109 defines "highway" (synonymous with "street") as the entire width between the boundary lines of a publicly maintained way, including sidewalks, shoulders, berms, and rights-of-way not intended for motorized traffic. *State v. Neal*, 159 Idaho 439 (2015), *Ahles v. Tabor*, 136 Idaho 393 (2001). In contrast, "roadway" is defined in Idaho Code § 49-119 as the portion of a highway improved, designed, or ordinarily used for vehicular travel, excluding sidewalks, shoulders, berms, and rights-of-way. Idaho Code § 49-120.

Given these definitions, “streets” is a broader term that encompasses sidewalks and adjacent areas, while “roadways” refers specifically to the portion of the street used for vehicular travel. If the city intends to regulate High-Speed Electric Motorbikes on areas beyond the vehicular travel lanes, such as sidewalks and bike lanes, it would be more appropriate to use the term “streets” in the current ordinance.

Inclusion of Sidewalks and Bike Lanes

Under Idaho law, sidewalks are explicitly included within the definition of “streets” but are excluded from the definition of “roadways”. Bike lanes, while not explicitly defined in the statutes provided, would likely fall under the broader definition of “streets” as part of the public way adjacent to the roadway. Therefore, using “streets” in the ordinance would ensure that sidewalks and bike lanes are included within the scope of regulation.

Recommendations for Ordinance Drafting

To ensure that High-Speed Electric Motorbikes are not allowed on sidewalks and bike lanes adjacent to streets, the city should define “streets” in its ordinance to explicitly include these areas. Therefore, the ordinance states:

For the purposes of this code provision, “streets” shall mean the entire width between the boundary lines of every way publicly maintained and open to the public for vehicular travel, including but not limited to roadways, sidewalks, bike lanes, shoulders, berms, and rights-of-way.

This definition aligns with the statutory definition of “streets” under Idaho Code § 49-109 and ensures that the prohibition extends to sidewalks and bike lanes. Additionally, the ordinance explicitly states that High-Speed Electric Motorbikes are prohibited from operating on sidewalks and bike lanes to avoid ambiguity. By using the term “streets” and providing a clear definition, the city can effectively regulate the use of High-Speed Electric Motorbikes in a manner consistent with Idaho law and its police powers.

Accordingly, the City of Garden City may enact the proposed ordinance regulating high-speed electric motorbikes exceeding 750 watts or capable of speeds over 20 miles per hour, as such vehicles are not classified as electric-assisted bicycles under Idaho law. The ordinance would be legally permissible because it is confined to the city’s jurisdiction, does not conflict with state law, and is reasonable and non-arbitrary. However, the city will need to provide proper notice of the new law, such as signage, to enforce the regulation effectively.

Amendment to Garden City Code Title 5, Chapter 10 (E-Bikes; Greenbelt and Sidewalk Restrictions). There are two potential ways to prohibit High-Speed Electric Motorbikes. One way is to define them as “motor vehicles” but defining them as motor vehicles is not required. The other way is to not define them as “motor vehicles.”

Moreover, the definitions provided in the draft ordinance align with the statutory definitions in Idaho law, but there are distinctions and limitations that must be carefully considered.

1. **Electric Personal Assistive Mobility Device (EPAMD):** Under Idaho Code § 49-106(2), an EPAMD is defined as a self-balancing, two-wheeled device designed to transport one person, with an electric propulsion system that limits the maximum speed to 15 miles per hour or less. This definition does not include devices with tandem wheels or those designed to be operated by human power with electric assistance, as described in the question.
2. **Electric-Assisted Bicycle (E-Bike):** Idaho Code § 49-106(1) defines an electric-assisted bicycle as a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts. It further categorizes E-Bikes into three classes based on their speed and operational characteristics:
 - Class 1 and Class 2 E-Bikes are limited to speeds of 20 miles per hour.
 - Class 3 E-Bikes can reach speeds of up to 28 miles per hour but only provide assistance while pedaling. Idaho Code § 49-106. Additionally, Idaho Code § 49-725 states that E-Bikes are subject to the same rights, privileges, and duties as bicycles, unless excluded by local ordinance or signage. Idaho Code § 49-726 clarifies that E-Bikes are not subject to titling, registration, or licensing requirements, and they are not considered motor vehicles except as required by federal law.
3. **High-Speed Electric Motorbikes:** The proposed definition describes High-Speed Electric Motorbikes as exceeding 750 watts or capable of speeds over 20 miles per hour as not being classified as E-Bikes. This interpretation is consistent with Idaho Code § 49-106(1), which limits the definition of E-Bikes to those with motors under 750 watts and speeds not exceeding 20 or 28 miles per hour, depending on the class. Such high-speed motorbikes would not qualify as E-Bikes and may be subject to different regulations, including potential classification as motor vehicles under Idaho Code § 49-123(2)(h).
4. **Prohibition on the Boise River Greenbelt and City Parks:** The prohibition of high-speed electric motorbikes on the Boise River Greenbelt and in city parks aligns with the statutory framework, as local jurisdictions have the authority to regulate the use of bicycles and E-Bikes through ordinances or posted signage, as noted in Idaho Code § 49-725.

In conclusion, the definitions and classifications regarding High-Speed Electric Motorbikes in the proposed ordinance are consistent with Idaho law, particularly regarding the distinctions between EPAMDs, E-Bikes, and high-speed electric motorbikes.

The statutory definitions of EPAMD and E-Bike in Idaho law provide guidance on whether “or” or “and/or” should be used in defining “High-Speed Electric Motorbikes.” Based on the principles of statutory interpretation and the relevant statutory language, the use of “or” is appropriate when defining high-speed electric motorbikes as exceeding 750 watts or capable of speeds over twenty-eight (28) miles per hour.

Garden City's decision to ban "High-Speed Electric Motorbikes" using a self-contained definition based on motor output and speed capability-without incorporating Class 1-3 e-bike definitions-can be defended as a lawful, reasonable, and constitutionally sound exercise of municipal police power under Idaho law. The ordinance is grounded in the constitutional grant of local police authority, supported by statutory recognition of local traffic regulation powers, and drafted with objective standards and anti-evasion provisions that promote due process notice and constrain enforcement discretion.

ELECTRONIC SCOOTERS:

Finally, turning to electronic scooters, faster electronic scooters, such as the Segway Ninebot MAX G3, do not qualify as an "electric personal assistive mobility device," a "personal delivery device," or a "pedestrian" device under Idaho law, nor do they fall under the default exclusion for "motor vehicles."

Operational Requirements: Idaho Code § 49-207 allows local authorities to enact ordinances prescribing additional requirements for operating vehicles on highways within their jurisdiction. If faster electronic scooters, such as the Segway Ninebot MAX G3, is operated on sidewalks or pedestrian paths, it likely does not fall under the definition of a "pedestrian" device, as Idaho Code § 49-117(5) includes electric personal assistive mobility devices in the definition of "pedestrian". Idaho Code § 49-117. This would exempt it from motor vehicle regulations but may subject it to local ordinances governing pedestrian pathways.

Legal Classification: Idaho Code § 49-117(8) defines a "personal delivery device" as an electrically powered device that operates on sidewalks, crosswalks, and the sides or berms of highways, primarily for transporting property, and is not classified as a vehicle or motor vehicle unless expressly stated. While this definition does not directly address faster electronic scooters, such as the Segway Ninebot MAX G3, it suggests that devices not explicitly defined as motor vehicles are excluded from such classification. Additionally, Idaho Code § 49-123(2)(g) defines "motor vehicle" as any self-propelled vehicle, excluding vehicles moved solely by human power and motorized wheelchairs. *State v. Barnes*, 133 Idaho 378 (1999). If the Segway Ninebot MAX G3 is not explicitly included in the definition of a motor vehicle, it may not be subject to the same requirements as motor vehicles, such as licensing or registration.

Clarifications or Additions in Code: The City might need to clarify soon whether the Segway Ninebot MAX G3 is classified as a "motor vehicle," "personal delivery device," or "pedestrian" device under Idaho law. Additionally, we should include any amendments in the pending code change to specify what these are pursuant to Idaho Code § 49-207 that regulate the operation of such devices on sidewalks, highways, or other public areas.

An "electric personal assistive mobility device" is explicitly defined under Idaho law as a self-balancing, two nontandem wheeled device designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less. Idaho Code § 49-106. Because faster electric scooters like the Segway

Ninebot MAX G3 can have a maximum speed of 28 mph, they would exceed this statutory threshold.

Similarly, a “personal delivery device” is defined as an electrically powered device operated on sidewalks, crosswalks, and highway berms, intended primarily to transport property, operating at a maximum speed of 10 mph on sidewalks, and equipped with technology allowing for autonomous or semi-autonomous operation. Idaho Code § 49-117. Devices like the Segway Ninebot MAX G3 are passenger commuter scooters, not property-transportation devices, and operates far in excess of 10 mph.

Furthermore, “pedestrian” is defined under Idaho Code as any person afoot, or any person operating a wheelchair, motorized wheelchair, or an electric personal assistive mobility device. Because devices like the Segway Ninebot MAX G3 do not qualify as an electric personal assistive mobility device, an operator of this scooter cannot be classified as a “pedestrian” under state law. Idaho Code § 49-106, Idaho Code § 49-117.

Under Idaho Code § 49-123(1)(h), a “motor vehicle” is defined as every vehicle that is self-propelled, and for the purpose of titling and registration meets federal motor vehicle safety standards. The statutory definition of motor vehicle explicitly excludes vehicles moved solely by human power, electric personal assistive mobility devices, personal delivery devices, electric-assisted bicycles, and motorized wheelchairs. Because faster electronic scooters like the Segway Ninebot MAX G3 are self-propelled but do not fall into any of these exempted categories, they remain classified as a self-propelled vehicle. Idaho Code § 49-123. However, under *State v. Trusdall*, 155 Idaho 965 (2014), whether a self-propelled device is classified as a “motor vehicle” outside of the registration and titling context depends on the specific statutory application, as the requirement to meet federal safety standards has been interpreted to narrow the definition primarily for titling and registration purposes.

On June 30, 2026, CBS2 news had a story titled “Boise council to weigh emergency ordinance regulating electric motorcycles on city roads.” Boise passed the ordinance passed on June 30, and it is in the council packet. The Boise City Council also had a work session on June 30 on other ordinance regulation ideas for these types of vehicles. Therefore, Boise may have some more code amendments for these.

The new Boise ordinance focuses on vehicles on 2 or 3 wheels. After reviewing and comparing the ordinances, there are similarities and differences.

Similarities between Boise and GC Ordinances:

1. The general defined terms that existed before the two ordinances are relatively the same
2. The recognition by both Boise and GC City Council about the need to address e-bikes/e-motos/high-speed electric bicycles

Differences between Boise and GC:

1. Boise is calling the vehicles as “E-Motos” and GC is calling them “high-speed electric motorbike”
2. Boise has abandonment tied to 72 hours; GC has abandonment tied to 24 hours.
3. Boise’s definition of greenbelt is focused on the paths, greenspaces, parks, and the 20 feet of publicly owned greenspace on either side. GC’s definition is focused on any and all land within 70 feet of the 6,500 cfs flow line.
4. Boise’s E-Bikes provision defines the e-bike in relation to their definition of a bicycle. GC states the specifications as their own instead of tying the definition to bicycle.
5. Boise E-Scooter provision allows for the motor to have 500 watts and has no differences between a high or low speed electric scooters. GC has 300 watts allowed for an E-Scooter and also differentiates low and high-speed e-scooters. Further, GC prohibits E-Scooters on “the Boise River Greenbelt, and City parks and roadways.”
6. GC defines “electronic personal assistive mobility device”, and the closest analogue to Boise, but not perfect, is “adaptive device.”
7. **The specific language used in Boise’s definition of “E-Moto” and GC’s “High-speed electric motorbike” mostly matchup, but there are specific differences in wording.**
8. Boise’s ordinance has nothing in relation to defining “motor vehicle,” GC does have a provision that “motor vehicles” are not allowed on the greenbelt.
9. Boise’s ordinance has nothing in relation to defining “street”, GC does have a provision doing so.
10. Boise’s makes no mention of age operating the vehicles and also attach “the same rights and subject to the same responsibilities applicable to motor vehicles.” GC explicitly states, “regardless of age” and then only attaches, “some of the same”. Additionally, GC includes “the park system” as one of the places that is listed where the allowed vehicles are/can be operated.
11. Boise’s exemption to traffic laws looks like GC’s crossed out provision for exemptions. So, GC’s provisions are more numerous than Boise’s exemptions.
12. GC’s ordinance has the provisions from 5-10-6: Riding on Roadways, with Boise having nothing similar to this.
13. GC’s ordinance has the provision from 5-10-7: Using Provided Bikes Lanes and Bike Paths, with Boise having nothing similar to this.
14. Boise’s provisions state that “E-Motos are always prohibited from operation on City sidewalks, pathways, and bike paths. E-Motos are only permitted on trails owned or managed by the City that are specifically designated for use by motorcycles or other motor vehicles.” GC provides that high-speed electric motorbikes are “prohibited on all sidewalks and crosswalks”, and “all bike lanes and bike paths.” Boise might therefore permit the “E-Motos” on bike lanes, where GC explicitly does not.
15. GC’s ordinance has the provision from 5-10-13: Bicycle, E-Bike, or E-Scooter parking, whereas Boise has nothing describing parking.
16. GC’s ordinance has the provision from 5-10-15: Unlawful use of the Boise River Greenbelt, and City Parks and Streets, including Bikes Lanes and Bike Paths, whereas Boise has nothing explicitly on the Greenbelt.

17. Boise's makes anything that violates their ordinance a misdemeanor (up to a \$1,000 fine, and up to 6 months in jail). GC has spelled out various different offenses and spells out the penalty is an infraction for \$300 (+) court costs.
18. GC's ordinance includes defines both "motor vehicle" and "park", whereas Boise has neither of these definitions.
19. GC's ordinance includes provisions in 10-1-3: Traffic, traffic and proper actions to be taken, whereas Boise does not have this.

It could be possible that Boise already has some of the things already defined in code and they did not feel the need to address them in their ordinance.

In Garden City, the specifics that are laid out in the ordinance make it very clear that operating the high-powered motorbike or scooter is not allowed. Additionally, GC specifically spells out where the high-powered motorbikes and scooters are prohibited. The distinction between high-powered and low-powered also furthers clarity. Boise's "E-Moto" classification is something that some other jurisdictions also use. Garden City's prohibitions are applicable "regardless of age."

Juvenile courts generally lack jurisdiction over municipal traffic infractions and any vehicle impoundment requires both statutory authorization and a valid Fourth Amendment exception. To be legally permissible, the state must still prove that the initial seizure of the vehicle served a genuine, non-pretextual community caretaking purpose, such as resolving an obstruction of traffic or an immediate hazard to public safety.

CONCLUSION: The definition of "High-Speed Electric Motorbikes" and "High-Speed Electric Scooters, should use "or" when stating that such vehicles are not classified as E-Bikes or E-Scooters. This approach is consistent with Idaho's statutory definitions, the plain meaning of "or," and principles of statutory interpretation that prioritize clarity and legislative intent. Electronic motorbikes exceeding 750 watts *or* capable of speeds over twenty-eight miles per hour should be excluded from the E-Bike classification to maintain consistency with the statutory framework and avoid ambiguity.

Similarly, electronic scooters exceeding three hundred (300) watts *or* capable of propelling the device at a speed exceeding fifteen (15) miles per hour *or* fails to disengage or cease motor function when the device's brakes are applied should be excluded from the E-Scooter classification to maintain consistency with the statutory framework and avoid ambiguity. Therefore, this ordinance should be read three times after which it should be adopted and published.

Finally, I recommend the following additional city actions if this ordinance is eventually adopted:

- **Public Education:** The City should conduct public outreach and education campaigns to inform parents and juveniles about these restrictions and the potential for parental liability.

- **Warning Period:** The City may wish to implement an initial warning period (e.g., 60–90 days) during which first-time violators receive warnings rather than citations, allowing the community to adjust to the new regulations.
- **Coordination with Schools:** The City should consider coordinating with local schools to distribute educational materials about the ordinance and its requirements.
- **Training for Officers:** Law enforcement officers should receive training on the ordinance provisions, including the elements of parental liability offenses and the availability of affirmative defenses.

BY THE COUNCIL: CARVER-HERBERT, JORGENSEN, PAGE, AND RASMUSSEN

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 5 ("TRAFFIC"), CHAPTER 10 ("BICYCLES, E-BIKES, AND E-SCOOTERS"), SECTION 1 ("DEFINITIONS"), SECTION 2 ("CERTAIN TRAFFIC LAWS APPLYING TO PERSONS RIDING BICYCLES, E-BIKES, AND E-SCOOTERS"), SECTION 6 ("RIDING ON ROADWAYS"), SECTION 7 ("USING PROVIDED BIKE LANES AND BIKE PATHS"), SECTION 8 ("RIDING UPON SIDEWALKS AND UPON AND WITHIN CROSSWALKS"), SECTION 13 ("BICYCLE, E-BIKE, OR E-SCOOTER PARKING"), SECTION 15 ("UNLAWFUL USE OF THE BOISE RIVER GREENBELT, AND CITY PARKS AND STREETS, INCLUDING BIKE LANES AND BIKE PATHS"), SECTION 16 ("RECKLESS OR INATTENTIVE OPERATION"), SECTION 17 ("DEFACING PUBLIC OR PRIVATE PROPERTY"), SECTION 21 ("PENALTIES"), SECTION 26 ("REMOVAL OF ABANDONED AND OBSTRUCTIVE BICYCLES, E-BIKES, E-SCOOTERS, OR ANY PART THEREOF FROM PUBLIC PLACES"); AND AMENDING TITLE 10 ("PUBLIC PARKS"), CHAPTER 1 ("PARKS AND WATERWAYS RULES AND REGULATIONS"), SECTION 1 ("DEFINITIONS"), SECTION 3 ("TRAFFIC"), BY AMENDING THE LANGUAGE TO INCLUDE PROVISIONS FOR HIGH-SPEED ELECTRIC MOTORBIKES AND SCOOTERS; AMENDING LANGUAGE TO CLARIFY PROHIBITED ACTS AND PENALTIES; PROVIDING SEVERABILITY; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Garden City is a municipal corporation organized under the laws of the State of Idaho with authority to enact ordinances governing the use of its streets, sidewalks, bike paths, bike lanes, parks, and other public rights-of-way within its municipal boundaries; and

WHEREAS, Idaho Code § 49-207(1) authorizes local authorities to enact general ordinances prescribing additional requirements as to the speed, manner of driving, or operating of vehicles on highways within their jurisdictions; and

WHEREAS, Idaho Code § 49-208(1) authorizes local authorities, within the reasonable exercise of their police power, to regulate or prohibit the use of heavily traveled highways by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic, and to regulate persons upon skates, coasters, sleds, and other toy vehicles; and

WHEREAS, Idaho Code § 49-605 permits political subdivisions having jurisdiction over sidewalks to regulate, by ordinance or by traffic control device, the time, place, and manner of operation of electric personal assistive mobility devices to assure the safety of pedestrians and others using sidewalks; and

WHEREAS, the City's municipal code currently defines "Electric Assisted Bicycle (E-Bike)" and "Electric Assisted Scooter (E-Scooter)" that can be operated in the City; and

WHEREAS, the City has recently observed the operation of high-speed electric motorbikes and scooters on City streets, sidewalks, bike paths, bike lanes, parks, and the Boise River Greenbelt; and

WHEREAS, such high-powered electric motorbikes and scooters present significant safety risks to pedestrians, bicyclists, and other users of City streets, sidewalks, bike paths, bike lanes, parks, and the Boise River Greenbelt due to their excessive speed, power, and operational characteristics; and

WHEREAS, devices that do not meet the City's definition of E-Bike or E-Scooter are incompatible with the safe use of pedestrian pathways, sidewalks, bike paths, bike lanes, parks, and the Boise River Greenbelt and are not within the class of devices the City intended to permit in those locations; and

WHEREAS, the City Council finds that it is necessary and in the public interest to clarify that devices not meeting the definition of E-Bike or E-Scooter, including high-speed electric motorbikes and scooters, are prohibited from operation on City streets, crosswalks, sidewalks, bike paths, bike lanes, the Boise River Greenbelt, and in all City parks; and

WHEREAS, the City Council finds that defining "High-Speed Electric Motorbike" and "High-Speed Electric Scooter" will promote public safety, reduce the risk of collisions and injuries, and ensure consistent enforcement of the City's regulations governing electrically propelled devices; and

WHEREAS, the City Council finds that the enactment of this Ordinance is consistent with Idaho Code § 49-207 and § 49-208 and does not conflict with state law; and

WHEREAS, this Ordinance is enacted pursuant to the City's constitutional police powers and statutory authority to regulate the use of its public rights-of-way and parks in the interest of public safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GARDEN CITY, IDAHO:

SECTION 1. That Title 5 ("Traffic"), Chapter 10 ("Bicycles, E-Bikes, and E-Scooters") Garden City Code be, and the same is hereby amended, to read as follows:

5-10-1: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words, and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words used throughout this chapter, but not defined herein, shall have their plain, ordinary, and common meaning.

ABANDONMENT:	A bicycle, E-bike, E-scooter, or any part thereof, that is left or remains unattended or unused in a public place for twenty-four (24) consecutive hours or longer.
BICYCLE:	Every vehicle having two (2) tandem wheels, or two (2) parallel wheels and one forward wheel, any two (2) of which are not less than twelve inches (12") in diameter, propelled exclusively by human power upon which any person may ride, except scooters and similar devices.
BIKE LANE:	A portion of a roadway designated for preferential or exclusive use by bicycles, E-bikes, or E-scooters that is distinguished from that portion of the roadway to be used by motor vehicles by a painted stripe and other pavement markings.
BIKE PATH:	A completely separate right-of-way designated primarily for use by bicycles, E-bikes, E-scooters, or pedestrians, including but not limited to the Greenbelt. Conflicts with pedestrians are kept to a minimum while cross- flows by motor vehicles are discouraged. The term bike path includes both the paved surface and minimum of two feet (2') on either side.
BIKE PATH APPROACH:	That area where a transition is made between a roadway, parking lot, sidewalk or other facility and a bike path. This area is generally identified by wooden bollards, pavement markings and a parking prohibition.
BIKE/PEDESTRIAN CURB RAMP:	A break in a curb designated to facilitate movement by the operator of a bicycle, E-bike, or E-scooter, pedestrian or person with a disability from a street or parking lot to a sidewalk or bicycle facility.
BIKE ROUTE:	Any roadway specifically signed for shared use by bicycles, E-bikes, or E-scooters, and motor vehicles.
GREENBELT, BOISE RIVER:	"Greenbelt" shall be defined as any and all land within seventy feet (70') of the six thousand five hundred (6,500) cfs flow line of the Boise River which may be owned by the city or over which the city may have a right of possession or use and: (A) which is designated by the city council to be retained in perpetuity for public use for purposes compatible with aesthetic, wildlife, education and recreational values of the Boise River; (B) which will provide for unrestricted, noncommercial access to the river; and (C) which will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses
ELECTRIC ASSISTED BICYCLE (E-BIKE):	Is an Electronic Personal Mobility Device that is a vehicle having two (2) tandem wheels or two (2) parallel wheels and one forward wheel, any two (2) of which are not less

than twelve inches (12”) in diameter, that is designed to be operated by human power with the assistance of an electric motor that has a power output of not more than seven hundred fifty (750) watts that: a) is incapable of propelling the vehicle at a speed of more than ~~twenty (20)~~ twenty-eight (28) miles per hour; and b) disengages or ceases to function when the vehicle's brakes are applied. An E-bike is not a motor vehicle for purposes of this chapter. High-Speed Electric Motorbikes exceeding seven hundred fifty (750) watts or are capable of propelling the vehicle at a speed of more than twenty-eight (28) miles per hour are not Electric Assisted Bicycles (E-Bikes) as defined herein and are therefore prohibited on roadways unless titled and insured, the Boise River Greenbelt, and City parks.

**ELECTRIC ASSISTED
SCOOTER (E-SCOOTER):**

A two (2) wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor that has a power output of not more than three hundred (300) watts that: a) is incapable of propelling the device at a speed of more than fifteen (15) miles per hour; and b) disengages or ceases to function when the device's brakes are applied. An E-scooter is not a motor vehicle for purposes of this chapter. High-Speed Electric Scooters exceeding three hundred (300) watts or are capable of propelling the device at a speed exceeding fifteen (15) miles per hour are not Electric Assisted Scooters (E-Scooters) as defined herein and are therefore prohibited on roadways, the Boise River Greenbelt, and City parks.

**ELECTRONIC PERSONAL
ASSISTIVE MOBILITY
DEVICE**

A self-balancing two (2) non-tandem wheeled device designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour or less.

**HIGH-SPEED ELECTRIC
MOTORBIKE**

Any two-wheeled or three-wheeled device that is propelled in whole or in part by an electric motor and that: (a) has an electric motor output of more than seven hundred fifty (750) watts; or (b) is capable of speeds exceeding twenty-eight (28) miles per hour when powered by the electric motor (whether alone or in combination with human power), as designed, manufactured, modified, or operated. A High-Speed Electric Motorbike does not meet the definition of “Electric Assisted Bike (E-Bike)” and is not an E-Bike for purposes of this chapter. High-Speed Electric Motorbikes are prohibited on streets and City parks as stated herein unless titled and insured, and the Boise

HIGH-SPEED ELECTRIC
SCOOTER

River Greenbelt. A device that meets the definition of High-Speed Electric Motorbike shall remain prohibited as stated herein regardless of: (a) any manufacturer label, marketing description, or user-selected setting; (b) the presence or absence of pedals; (c) whether the operator asserts the device is being operated below twenty-eight (28) miles per hour at a given moment; or (d) whether the device is temporarily configured to reduce power output. The classification of a device as a High-Speed Electric Motorbike is determined by the device's inherent capability and design specifications, not by its actual use, operator conduct, or temporary configuration at any particular time.

Any two-wheeled, electrically propelled device with handlebars and a floorboard designed to be stood upon when riding that: (a) has an electric motor with a power output exceeding three hundred (300) watts; or (b) is capable of propelling the device at a speed exceeding fifteen (15) miles per hour when powered by the electric motor (whether alone or in combination with human power). A High-Speed Electric Scooter does not meet the definition of "Electric Assisted Scooter (E-Scooter)" and is not an E-Scooter for purposes of this chapter. High-Speed Electric Scooters are prohibited on streets, and the Boise River Greenbelt, and in all City parks. A device that meets the definition of High-Speed Electric Scooter shall remain prohibited as stated herein regardless of: (a) any manufacturer label, marketing description, or promotional material that identifies the device as a low-speed electric scooter, electric assisted scooter, e-scooter, or any similar term; (b) any user-selected setting, mode, speed limiter, or power output configuration that purports to limit the device's maximum speed or power output; (c) the presence or absence of pedals or any other mechanism for human-powered propulsion; (d) Whether the operator asserts that the device is being operated at or below fifteen (15) miles per hour at any given moment; or (e) Whether the device is temporarily configured or adjusted to reduce its power output or maximum speed capability at the time of operation or inspection. The classification of a device as a High-Speed Electric Scooter is determined by the device's inherent capability and design specifications, not by its actual use, operator conduct, or temporary configuration at any particular time.

MOTOR VEHICLE

Every vehicle which is self-propelled, and for the purpose of titling and registration meets Federal Motor Vehicle Safety Standards as defined in section 49-107, Idaho Code. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices, personal delivery devices, electric assisted bicycles, and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under title 49, Idaho Code.

OBSTRUCTIVE BICYCLE, E-BIKE, OR E-SCOOTER:

Any bicycle, E-bike, E-scooter, or any part thereof, left in a public place that obstructs or impedes vehicular or pedestrian traffic.

PUBLIC PLACE:

Any publicly owned property, including, but not limited to, sidewalks, streets, alleys, parks, and plazas located within the City jurisdictional limits.

STREET:

The entire width between the boundary lines of every way publicly maintained and open to the public for vehicular travel, including but not limited to roadways, sidewalks, bike lanes, shoulders, berms, and rights-of-way.

5-10-2: CERTAIN TRAFFIC LAWS APPLYING TO PERSONS RIDING BICYCLES, E-BIKES, AND E-SCOOTERS:

A. Requirements: Every person, regardless of age, who operates a bicycle, E-bike, or E-scooter upon a roadway, the park system, the Greenbelt, public parking lot, sidewalk, bike path, bike lane or other public vehicular right-of-way in the City of Garden City ("City") shall be granted the same rights and shall be subject to some of the same responsibilities applicable to a motor vehicle operator by the laws of the State of Idaho, and the provisions of this title not in conflict with and as authorized under title 49, Idaho Code; except where provisions of those laws and ordinances by their very nature can have no application to bicycles, E-bikes, or E-scooters, or where portions of this chapter direct otherwise.

B. High-Speed Electric Motorbikes as defined herein are not E-Bikes and are prohibited on streets and City parks as stated herein unless titled and insured, and the Boise River Greenbelt.

C. High-Speed Electric Scooters as defined herein are not E-Scooters and are prohibited on streets, and the Boise River Greenbelt, and in all City parks.

B. Exemption to Requirements:

1. The above prohibitions shall not apply to:

a. Emergency Vehicles. Law enforcement vehicles, fire department vehicles, ambulances, and other emergency response vehicles responding to an emergency or conducting official duties;

b. City Vehicles and Authorized Maintenance. Vehicles operated by City of Garden City employees, contractors, or authorized agents engaged in construction, maintenance, repair, or other official City business;

c. Law Enforcement Operations. Law enforcement vehicles engaged in patrol, investigation, or other official law enforcement activities;

d. Authorized Public Agency Vehicles. Vehicles operated by employees, contractors, or authorized agents of other public agencies (including but not limited to the Ada County Highway District, Idaho Department of Parks and Recreation, or other governmental entities) with jurisdiction over or maintenance responsibility;

e. Mobility and Accessibility Devices. Motorized wheelchairs, mobility scooters, or other power-driven mobility devices operated by persons with disabilities, provided that such devices are designed primarily for use by individuals with mobility disabilities and are operated at speeds safe for pedestrian areas; and

f. Authorized Special Events. Vehicles authorized in writing by the City of Garden City for special events, parades, or other activities permitted under the City's special event permit process.

2. These exemptions do not relieve the duty to operate a vehicle with due regard for the safety of all persons and property.

~~1. Any peace officer as defined in Idaho Code section 19-5101(d) operating a bicycle, E-bike, or E-scooter in the course and scope of his official duties is exempt from the requirements of subsection A of this section, if the bicycle, E-bike, or E-scooter is being operated under any of the following circumstances:~~

~~a. In response to an emergency call.~~

~~b. While engaged in rescue operations.~~

~~c. In the immediate pursuit of an actual or suspected violator of the law.~~

~~2. This subsection does not relieve a peace officer from the duty to operate a bicycle, E-bike, or E-scooter with due regard for the safety of all persons.~~

5-10-6: **RIDING ON ROADWAYS:**

A. No person shall operate a bicycle, E-bike, or E-scooter on a roadway against the flow of motorized vehicular traffic, except where permitted by official signs or pavement markings.

B. Every person operating a bicycle, E-bike, or E-scooter upon a two-way roadway is entitled to use the lane appropriate for the intended destination upon the roadway, including the right-hand lane and any designated bus lane. The bicycle, E-bike, or E-scooter rider shall proceed in the same direction of travel as other vehicles authorized to use that lane. On one-way roadways a bicycle, E-bike, or E-scooter may be operated in any existing lane.

C. The operator of a bicycle, E-bike, or E-scooter traveling at a rate of speed that delays a vehicle or vehicles following in the same lane shall be required, when it is unlawful or unsafe for the following vehicle to pass, to move as far to the right of the traveled roadway, or to the left where the bicycle, E-bike, or E-scooter is in the left lane of a one-way roadway, as is safe under the conditions then existing; provided, however, that when the operator is within fifty feet (50') of an intersection, he shall not be required to move to the right or left until he has moved through the intersection.

D. In right turn only lanes where traffic signs or signals indicate a bus is permitted to go straight rather than turn right, a bicycle, E-bike, or E-scooter operator shall be permitted to go straight rather than turn right.

E. High-Speed Electric Motorbikes as defined herein are not E-Bikes and are prohibited on City roadways unless titled and insured.

F. High-Speed Electric Scooters as defined herein are not E-Scooters and are prohibited on City roadways.

5-10-7: USING PROVIDED BIKE LANES AND BIKE PATHS:

A. Wherever a bike lane is present upon a roadway, the operator of a bicycle, E-bike, or E-scooter shall use that lane and shall not use the roadway; except that the operator shall not be required to use or remain in a bike lane:

1. When the lane is of insufficient width to permit safe bicycle, E-bike, or E-scooter operation; or
2. When the condition of the pavement, or the presence of water, dirt, glass or other foreign objects upon the pavement prevents safe bicycle, E-bike, or E-scooter operation in the lane; or
3. When moving into position to make a right or left turn; or
4. When an opening car door or other obstruction in an adjacent parking lane requires movement out of the lane.

B. Wherever a bike path, including the Greenbelt, has been provided immediately adjacent to a roadway, the operator of a bicycle, E-bike, or E-scooter shall use that path and shall not use the roadway if official signs or markings so direct; except that the operator of a bicycle, E-bike, or E-scooter shall not be required to use or remain on a bike path:

1. When the path is of insufficient width to permit safe bicycle, E-bike, or E-scooter operation; or
2. When the condition of the surface, or the presence of water, dirt, glass or other foreign objects upon the surface prevents safe bicycle, E-bike, or E-scooter operation on the path.

C. High-Speed Electric Motorbikes as defined herein are not E-Bikes and are prohibited in all bike lanes and bike paths.

D. High-Speed Electric Scooters as defined herein are prohibited in all bike lanes and bike paths.

5-10-8: RIDING UPON SIDEWALKS AND UPON AND WITHIN CROSSWALKS:

A. A bicycle, E-bike, or E-scooter may be operated upon a sidewalk and upon and within a crosswalk or Greenbelt, except where prohibited by official traffic control devices, or when the number of pedestrians using the sidewalk renders riding on the sidewalk unsafe because of the risk of colliding with pedestrians, in which case the operator of a bicycle, E-bike, or E-scooter must dismount and walk the bicycle, E-bike, or E-scooter to an area where safe riding may resume.

B. Any operator of a bicycle, E-bike, or E-scooter riding upon a sidewalk, or across a roadway upon and within a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible warning before overtaking and passing such pedestrian. The audible warning may be given by the voice or by a bell or other lawful device capable of giving an audible signal to the person or persons being overtaken and passed.

C. Any operator of a bicycle, E-bike, or E-scooter riding upon a sidewalk, or across a roadway upon and within a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

D. Any operator of a bicycle, E-bike, or E-scooter riding on the sidewalk shall not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

E. High-Speed Electric Motorbikes as defined herein are not E-Bikes and are prohibited on all sidewalks and crosswalks.

F. High-Speed Electric Scooters as defined herein are not E-Scooters and are prohibited on all sidewalks and crosswalks.

5-10-13: **BICYCLE, E-BIKE, OR E-SCOOTER PARKING:**

A. Bicycles, E-bikes, or E-scooters shall not be parked in such a manner as to obstruct or impede the movement of pedestrians, motor vehicles or other bicycles, E-bikes, or E-scooters, or to cause damage to trees, shrubs or other living plants.

B. High-Speed Electric Motorbikes as defined herein are not E-Bikes and shall not be parked on streets or in City parks unless titled and insured, or the Boise River Greenbelt and bike lanes and bike paths.

C. High-Speed Electric Scooters as defined herein are not E-Scooters and shall not be parked on streets or in City parks, or the Boise River Greenbelt and bike lanes and bike paths.

5-10-14: **USE OF BIKE PATHS AND BIKE LANES BY OTHER NON- MOTORIZED MODES OF TRANSPORTATION:**

A. No person shall roller skate, ride or operate a skateboard or gravity-operated or human powered vehicle not classified as a bicycle, E-bike, or E-scooter upon a bike lane or bike path except in public parks.

B. When a pedestrian is traveling upon a bike path or bike lane:

1. The operator of a bicycle, E-bike, or E-scooter approaching the pedestrian from the rear shall be required to give audible warning when overtaking and passing such pedestrian; and

2. The operator of a bicycle, E-bike, or E-scooter and a pedestrian approaching each other shall each be required to move to and remain upon their right-hand half of the surface.

C. The operator of a bicycle, E-bike, or E-scooter shall always yield the right-of-way to a pedestrian who has a disability.

D. High-Speed Electric Motorbikes as defined herein are not E-Bikes and are prohibited on all bike lanes and bike paths.

E. High-Speed Electric Scooters as defined herein are not E-Scooters and are prohibited on all bike lanes and bike paths.

5-10-15: **UNLAWFUL USE OF THE BOISE RIVER GREENBELT, AND CITY PARKS AND STREETS, INCLUDING BIKE LANES AND BIKE PATHS:**

A. It shall be unlawful for any person without City authorization from the local authority having jurisdiction thereof to cut, alter, break, injure, damage or perform work upon any bike path or bike lane in the City.

B. It shall be unlawful for any person without City authorization as stated herein to operate any High-Speed Electric Motorbike as defined herein on streets or City parks unless titled and insured, and on the Boise River Greenbelt or sidewalks or in crosswalks, bike lanes, and bike paths.

C. It shall be unlawful for any person without City authorization as stated herein to operate any High-Speed Electric Scooter as defined herein on streets or City parks, on the Boise River Greenbelt or sidewalks or in crosswalks, bike lanes, and bike paths

5-10-16: RECKLESS OR INATTENTIVE OPERATION:

A person who uses or rides a bicycle, E-bike, or E-scooter, or any other vehicle on any public or private property open to public use inattentively, or carelessly and heedlessly, in light of the circumstances then existing, or without due caution and circumspection, or at such speed or in any other manner as to endanger or be likely to endanger any person or property shall be guilty of reckless or inattentive operation, a misdemeanor and, upon conviction subject to the penalty as provided in section 1-4-1 of this Code.

5-10-17: DEFACING PUBLIC OR PRIVATE PROPERTY:

A person who purposely or knowingly defaces or otherwise damages public or private property open to the public, by creating E-bike or E-scooter or any other vehicle tire markings thereon, shall be guilty of defacing public or private property, a misdemeanor and, upon conviction subject to the penalty as provided in section 1-4-1 of this Code

5-10-21: PENALTIES:

A. Unless otherwise provided herein, any person who violates any provision of this chapter shall be guilty of an infraction punishable by a fine of one hundred dollars (\$100.00) plus court costs.

B. Any person who violates any provision of this chapter regarding operating any High-Speed Electric Motorbike or High-Speed Electric Scooter as defined herein shall be guilty of an infraction punishable by a fine of three hundred dollars (\$300.00) plus court costs.

C. A parent or guardian who knowingly provides a High-Speed Electric Motorbike or High-Speed Electric Scooter to a juvenile with knowledge or reasonable grounds to know that the juvenile will use it in violation of the code may be charged as an accomplice, or for contributing to the delinquency of a minor, or some other independent violation of the ordinance itself.

D. Any High-Speed Electric Motorbike or High-Speed Electric Scooter found to be operated, parked, or used in violation of any provision of this chapter may be impounded by the Garden City Police Department or any authorized law enforcement officer acting within the City of Garden City as allowed by law. The City shall not be responsible for any costs, damages, or expenses related to the impoundment.

SECTION 2. That Title 10 (“Public Parks”), Chapter 1 (“Parks and Waterways Rules and Regulations”), Section 1 (“Definitions”), Garden City Code be, and the same is hereby amended, to read as follows:

GREENBELT, BOISE RIVER “Greenbelt” shall be defined as any and all land within seventy feet (70') of the six thousand five hundred (6,500) cfs flow line of the Boise River which may be owned by the city or over which the city may have a right of possession or use and: (A) which is designated by the city council to be retained in perpetuity for public use for purposes compatible with aesthetic, wildlife, education and recreational values of the Boise River; (B) which will provide for unrestricted, noncommercial access to the river; and (C) which will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.

HIGH-SPEED ELECTRIC MOTORBIKE Any two-wheeled or three-wheeled device that is propelled in whole or in part by an electric motor and that: (a) has an electric motor output of more than seven hundred fifty (750) watts; or (b) is capable of speeds exceeding twenty-eight (28) miles per hour when powered by the electric motor (whether alone or in combination with human power), as designed, manufactured, modified, or operated. High-Speed Electric Motorbikes are prohibited in all City parks unless titled and insured and on the Boise River Greenbelt. A device that meets the definition of High-Speed Electric Motorbike shall remain prohibited as stated herein regardless of: (a) any manufacturer label, marketing description, or user-selected setting; (b) the presence or absence of pedals; (c) whether the operator asserts the device is being operated below twenty-eight (28) miles per hour at a given moment; or (d) whether the device is temporarily configured to reduce power output.

HIGH-SPEED ELECTRIC SCOOTER: Any two-wheeled, electrically propelled device with handlebars and a floorboard designed to be stood upon when riding that: (a) has an electric motor with a power output exceeding three hundred (300) watts; or (b) is capable of propelling the device at a speed exceeding fifteen (15) miles per hour when powered by the electric motor (whether alone or in combination with human power). A High-Speed Electric Scooter does not meet the definition of “Electric Assisted Scooter (E-Scooter)” and is not an E-Scooter for purposes of this chapter High-Speed Electric Scooters are prohibited on streets, and the Boise River Greenbelt, and in all City parks. A device that meets the definition of High-Speed Electric Scooter shall remain

prohibited as stated herein regardless of: (a) any manufacturer label, marketing description, or promotional material that identifies the device as a low-speed electric scooter, electric assisted scooter, e-scooter, or any similar term; (b) any user-selected setting, mode, speed limiter, or power output configuration that purports to limit the device's maximum speed or power output; (c) the presence or absence of pedals or any other mechanism for human-powered propulsion; (d) Whether the operator asserts that the device is being operated at or below fifteen (15) miles per hour at any given moment; or (e) Whether the device is temporarily configured or adjusted to reduce its power output or maximum speed capability at the time of operation or inspection. The classification of a device as a High-Speed Electric Scooter is determined by the device's inherent capability and design specifications, not by its actual use, operator conduct, or temporary configuration at any particular time.

"MOTOR VEHICLE"

every vehicle which is self-propelled, and for the purpose of titling and registration meets Federal Motor Vehicle Safety Standards as defined in Idaho Code section 49-107. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under Idaho Code title 49.

PARK

"Park" shall be defined as any and all lands, buildings, reserves, sports complexes, swimming pools, trails and other special places including the Greenbelt, that are owned, operated or maintained by Garden City, and are delineated generally in the publication known as the Garden City park system map, and/or specifically in the inventory of park properties at the office of the public works director.

"RESTRICTED MOTOR VEHICLE"NS:

- a. A motor vehicle operated by law enforcement personnel;
- b. An emergency motor vehicle operated for purposes of transporting humans in need of emergency services; and
- c. A motor vehicle authorized or permitted by the public works department.

SECTION 3. That Title 10 ("Public Parks"), Chapter 1 ("Parks and Waterways Rules and Regulations"), Section 3 ("Traffic"), Garden City Code be, and the same is hereby amended, to read as follows:

10-1-3 **TRAFFIC:**

A. Applicability and vehicle-category limitation.

1. This Section applies to any person who operates, parks, or leaves standing any vehicle within any park including the Greenbelt.

2. Where a provision of the below Subsection applies exclusively to a specific category of vehicle, that limitation is expressly stated in the text of the Subsection. If a limitation is not expressly stated, the provision applies to all vehicles.

BA. No person in any park (including Greenbelt), while operating any vehicle, shall

1. Fail to comply with all applicable provisions of this code and Idaho state code relating to the operation of motor vehicles, E-bikes, or E-scooters and as contained in this and other provisions ~~ordinances~~.

2. Fail to obey all police officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks including Greenbelt.

3. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control of traffic and to safeguard life and property.

4. Travel at a speed greater than, or in a manner that is not, reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Violation of this provision is an infraction. However, if such travel also endangers or is likely to endanger any person or property, then violation is a misdemeanor.

5. Drive any motor vehicle, E-bike, or E-scooter on any area, including the Greenbelt, except the paved park roads, designated areas, or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas, unless in a restricted motor vehicle.

6. Park a motor vehicle, E-bike, or E-scooter in other than an established or designated parking area for such ~~motor~~ vehicle, and such use shall be in accordance with the posted directions and with the instructions of any attendant who may be present.

7. Leave a motor vehicle, E-bike, or E-scooter standing or parked after closing hours of the park unless it is shared micromobility device and the shared micromobility services company has a written agreement with the city that allows for such parking location(s).

8. Double park any motor vehicle on any road or parkway unless directed by a police officer or a park attendant.

9. Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle designed to prevent excessive or unusual sound and annoying smoke. No person shall use a muffler cutout, bypass, or other similar device.

10. Ride a bicycle, E-bike, or E-scooter on portions of the Greenbelt system that have been officially designated and signed by the city as “pedestrian only” sections of the Greenbelt.

11. Ride a High-Speed Electric Motorbike as defined herein in City parks unless titled and insured, and on the Greenbelt.

12. Ride a High-Speed Electric Scooter as defined herein in City parks and on the Greenbelt.

13. Operate, park, or leave standing any Motor Vehicle upon the Boise River Greenbelt.

14. The prohibitions of riding or operating a High-Speed Electric Motorbike or Motor Vehicle on City Parks including Greenbelt shall not apply to:

1. Designated parking lots (for Motor Vehicles only);
2. Emergency Vehicles. Law enforcement vehicles, fire department vehicles, ambulances, and other emergency response vehicles responding to an emergency or conducting official duties;
3. City Vehicles and Authorized Maintenance. Vehicles operated by City of Garden City employees, contractors, or authorized agents engaged in construction, maintenance, repair, or other official City business on the Boise River Greenbelt;
4. Law Enforcement Operations. Law enforcement vehicles engaged in patrol, investigation, or other official law enforcement activities;
5. Authorized Public Agency Vehicles. Vehicles operated by employees, contractors, or authorized agents of other public agencies (including but not limited to the Ada County Highway District, Idaho Department of Parks and Recreation, or other governmental entities) with jurisdiction over or maintenance responsibility for any portion of the Boise River Greenbelt;
6. Mobility and Accessibility Devices. Motorized wheelchairs, mobility scooters, or other power-driven mobility devices operated by persons with disabilities, provided that such devices are designed primarily for use by individuals with mobility disabilities and are operated at speeds safe for pedestrian areas; and

7. Authorized Special Events. Vehicles authorized in writing by the City of Garden City for special events, parades, or other activities permitted under the City's special event permit process.

These exemptions do not relieve the duty to operate a Motor Vehicle with due regard for the safety of all persons and property.

DC. Penalties:

1. Unless otherwise provided, an infraction under this section is punishable by a fine of one hundred dollars (\$100.00) plus court costs.
2. However, any person who violates any provision of this chapter regarding operating any High-Speed Electric Motorbike or High-Speed Electric Scooter as defined herein on City parks including the Greenbelt shall be guilty of an infraction punishable by a fine of three hundred dollars (\$300.00) plus court costs.
3. A parent or guardian who knowingly provides a High-Speed Electric Motorbike or High-Speed Electric Scooter to a juvenile with knowledge or reasonable grounds to know that the juvenile will use it in violation of the code may be charged as an accomplice, or for contributing to juvenile delinquency, or some other independent violation of the ordinance itself.
4. Any High-Speed Electric Motorbike or High-Speed Electric Scooter found to be operated, parked, or used in violation of any provision of this chapter may be impounded by the Garden City Police Department or any authorized law enforcement officer acting within the City of Garden City according to law. The City shall not be responsible for any costs, damages, or expenses related to the impoundment.

B. Definitions: For the purposes of this section, the following definitions shall apply

1. “Motor Vehicle” means:

every vehicle which is self-propelled, and for the purpose of titling and registration meets Federal Motor Vehicle Safety Standards as defined in Idaho Code section 49-107. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under Idaho Code title 49.

2. “Restricted motor vehicle” means:

a. A motor vehicle operated by law enforcement personnel;

b. An emergency motor vehicle operated for purposes of transporting humans in need of emergency services; and

~~c. A motor vehicle authorized or permitted by the public works department.~~

SECTION 4. If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions and sections of this Ordinance, which shall remain in full force and effect.

SECTION 5. All ordinances of the City of Garden City that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 7. This Ordinance shall be in full force from and after passage, approval, and publication.

PASSED by the City Council and **APPROVED** by the Mayor of Garden City, Idaho, this ____ day of _____, 2026.

ATTEST:

APPROVED:

Lisa M. Leiby, City Clerk

William L. Jacobs, Mayor

EXHIBIT A

**STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 1068-26**

The undersigned, Charles I. Wadams, in his capacity as City Attorney of the City of Garden City, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 1068-26 of the City of Garden City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this _____ day of _____, 2026.

Charles I. Wadams
City Attorney

**SUMMARY OF ORDINANCE NO. 1068-26
OF THE CITY OF GARDEN CITY, IDAHO**

PUBLIC NOTICE IS HEREBY GIVEN that the City of Garden City, Idaho, adopted at its regular meeting of _____, 2026, that Ordinance No. 1068-26 entitled:

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 5 (“TRAFFIC”), CHAPTER 10 (“BICYCLES, E-BIKES, AND E-SCOOTERS”), SECTION 1 (“DEFINITIONS”), SECTION 2 (“CERTAIN TRAFFIC LAWS APPLYING TO PERSONS RIDING BICYCLES, E-BIKES, AND E-SCOOTERS”), SECTION 6 (“RIDING ON ROADWAYS”), SECTION 7 (“USING PROVIDED BIKE LANES AND BIKE PATHS”), SECTION 8 (“RIDING UPON SIDEWALKS AND UPON AND WITHIN CROSSWALKS”), SECTION 13 (“BICYCLE, E-BIKE, OR E-SCOOTER PARKING”), SECTION 15 (“UNLAWFUL USE OF THE BOISE RIVER GREENBELT, AND CITY PARKS AND STREETS, INCLUDING BIKE LANES AND BIKE PATHS”), SECTION 16 (“RECKLESS OR INATTENTIVE OPERATION”), SECTION 17 (“DEFACING PUBLIC OR PRIVATE PROPERTY”), SECTION 21 (“PENALTIES”), SECTION 26 (“REMOVAL OF ABANDONED AND OBSTRUCTIVE BICYCLES, E-BIKES, E-SCOOTERS, OR ANY PART THEREOF FROM PUBLIC PLACES”); AND AMENDING TITLE 10 (“PUBLIC PARKS”), CHAPTER 1 (“PARKS AND WATERWAYS RULES AND REGULATIONS”), SECTION 1 (“DEFINITIONS”), SECTION 3 (“TRAFFIC”), BY AMENDING THE LANGUAGE TO INCLUDE PROVISIONS FOR HIGH-SPEED ELECTRIC MOTORBIKES AND SCOOTERS; AMENDING LANGUAGE TO CLARIFY PROHIBITED ACTS AND PENALTIES; PROVIDING SEVERABILITY; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance amends Title 5, Chapter 10, and Title 10, Chapter 1, of the Garden City Code. The goal of the ordinance is to update the code to protect public welfare by prohibiting High-Speed Electric Motorbikes and High-Speed Electric Scooters on the Boise River Greenbelt, and City parks and streets, including crosswalks, bike lanes, and bike paths. The ordinance amends language to clarify that High-Speed Electric Motorbike and High-Speed Electric Scooters usage is prohibited in Garden City and provides associated infraction penalties. Finally, the ordinance provides for severability, repeals conflicting Code provisions to the extent of a conflict, and provides an effective date.

The effective date of the ordinance is from and after passage, approval, and publication. A copy of the full text of the Ordinance is available at the City Clerk’s office, 6015 N. Glenwood Street, Garden City, Idaho 83714. Examination may be requested in writing or in person during regular business hours of the City Clerk’s Office, from 8:00 a.m. until 5:00 p.m., pursuant to Idaho Code § 50-901A(4).

DATED this ____ day of _____, 2026.

ATTEST:

CITY OF GARDEN CITY:

Lisa M. Leiby, City Clerk

William L. Jacobs, Mayor

DRAFT

Lisa Leiby

From: Ms MammyPie <msmammypie@hotmail.com>
Sent: Sunday, June 21, 2026 3:01 PM
To: Wendy Carver-Herbert; Charles Wadams; Kent Rasmussen; Bill Jacobs; Teresa Jorgensen; James Page
Subject: E-Motor Bike Ordinance - resend because I can't seem to spell Charlie's name correctly

Good day, Mayor and Council:

I have reviewed the packet for the June 22 meeting, and I write specifically about the e-motorbike ordinance.

First, I suggest that it is unnecessary to repeat certain definitions in the proposed ordinance. It is too easy to have inconsistencies if the same verbiage is repeated in multiple places. I saw the same definitions included in multiple places and some appeared to be grammatically incorrect or awkwardly written. Second, I suggest adding some language to the definitions of e-scooter and high speed e-scooter that will also cover the electric skateboards and longboards with one wheel. Please see my thoughts below (same changes to apply to both types of e-scooters).

ELECTRIC ASSISTED SCOOTER (E-SCOOTER):

Any ~~two-wheeled~~, electrically propelled device ~~with handlebars, and~~ a floorboard designed to be stood upon when riding that: (a) has an electric motor with a power output exceeding three hundred (300) watts; or (b) is capable of propelling the device at a speed exceeding fifteen (15) miles per hour on level ground; (c) or fails to disengage or cease motor function when the device's brakes are applied. A High-Speed Electric Scooter does not meet the definition of "Electric Assisted Scooter (E-Scooter)" and is not an Electric Assisted Scooter for purposes of this chapter.....

Thank you,
Jeanne Jackson-Heim
8500 W Atwater Drive
Garden City, ID 83714

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

RESOLUTION NO. 1254-26

BY THE COUNCIL: CARVER-HERBERT, JORGENSEN, PAGE, RASMUSSEN

A RESOLUTION PROVIDING FOR THE DESTRUCTION OF PUBLIC RECORDS.

WHEREAS Idaho Code Section 50-907 outlines rules under which records are to be destroyed; and;

WHEREAS, the City Treasurer/Clerk, City Attorney and Chief of Police have determined that some records are ready for destruction as per Idaho Code and per Garden City Record Retention Schedule; and

WHEREAS, records may only be destroyed by resolution of the City Council after the regular audit; and

WHEREAS, such resolution shall list in detail the records to be destroyed; and

WHEREAS, the Idaho State Historical Society is empowered under Idaho Code Section 67-4126(8) to require that cities deposit official documents not in current use that are of definite historical importance with the Society for preservation.

NOW THEREFORE BE IT RESOLVED BY THE GARDEN CITY COUNCIL that the Garden City Treasury, Legal and Police Departments are ordered to destroy the following records attached as "Exhibit A":

PASSED by the Council and APPROVED by the Mayor of the City of Garden City, Idaho, this 13th day of July 2026.

ATTEST:

APPROVED:

Lisa M. Leiby, City Clerk

William L. Jacobs, Mayor

EXHIBIT A

CITY TREASURER/CLERK

<u>Year</u>	<u>Item</u>	<u>Retention Period</u>
2022 and prior	Accounts Payable	3 years
2022 and prior	Cash Receipts	3 years
2022 and prior	Bank Reconciliations	3 years
2022 and prior	Time Sheets	3 years
2020 and prior	W-2's	5 years
2020 and prior	941 Federal Tax Reports	5 years
2020 and prior	Public Information Requests	5 years
2023 and prior	Parking Tickets	2 years
2015 and prior	Terminated Employee Files	10 years
2020 and prior	Voluntary Affirmative Action Forms	5 years
2024 and prior	Terminated Employee I-9's	3 years after date of hire or 1 year after termination
2020 and prior	Unsuccessful employment applications	2 years after position filled

CITY ATTORNEY/PROSECUTION

Calendar year 2023 and older criminal case files, which are records related to prosecution of criminal cases, including citations, police reports, driving records, tape recordings, complaints, subpoenas, motions, judgments, and related records. All of these records are semi-permanent.

GARDEN CITY POLICE – SEE ATTACHED



GARDEN CITY POLICE DEPARTMENT

Cory Stambaugh - Chief of Police

Leon Dennis - Patrol Division Commander

Tyler Domeny - Administrative Division Commander



301 EAST 50TH STREET GARDEN CITY, IDAHO 83714

TELEPHONE 208-472-2950

FAX 208-472-2997

7/9/2026

REQUEST RESOLUTION AUTHORIZING DESTRUCTION OF PUBLIC RECORDS

In accordance with IDAHO Code 50-907, and 50-908 provides that the City Council may authorize the destruction of public records no longer required by law or for city business; we request a resolution be granted for the attached listing of records to be destroyed.

The attached records are not identified on the current Garden City records retention schedule. We maintain the below listed records are not classified and are not permanent records and no longer have legal, fiscal, administrative, or historical value.

1. Traffic School Cites and Class Rosters for 2006-2007
2. Traffic School Receipts 2012-
3. Traffic School Receipts June 2011 – January 2014
4. Traffic School Receipts 2007
5. Abandoned Vehicle Certificate of Sale 2007-2010
6. Lost or Stolen Log Cards 1979-1987
7. Receipt/Logbooks for Traffic School 2012-2019
8. Receipt/Logbooks for Animal Control 2011-2016
9. Receipt/Logbooks for Miscellaneous Revenue 2008-2019
10. Volunteer Time Sheets 2002-2017

Samantha Barghoorn

Garden City Police Records Supervisor

svargas@gardencitypolice.org

208-472-2957

301 E 50th Street

Garden City, ID 83714

Committed to S.E.R.V.I.C.E.

Safety, Excellence, Respect, Valor, Integrity, Community, Empathy