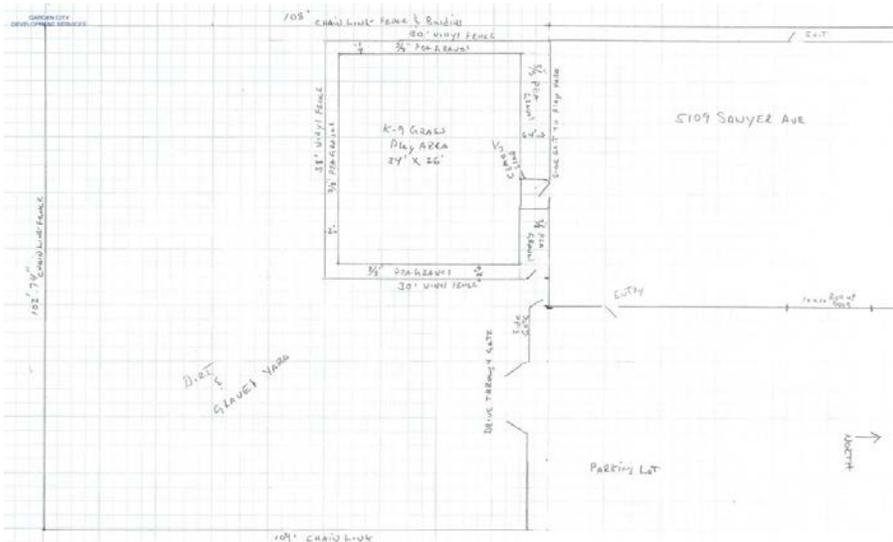




CITY OF GARDEN CITY

6015 Glenwood Street, Garden City, Idaho 83714
 Phone (208) 472-2900
 Fax (208) 472-2996

CUPFY2016-9
Conditional Use Permit
 For:
Animal Care Facility
 Located 5107 N. Sawyer Ave., Ste 5109, Garden City, Idaho
 Good Citizens Dog Training represented by Louis R. Goaziou



Staff Contact: Owen Nason (208) 472-2921; planning@gardencityidaho.org

City of Garden City
Planning and Zoning Commission Staff Report

Recommendation: Approval with conditions

Project Description:

Garden City Planning and Zoning Commission Public Hearing Date: 10/19/2016, at 6:30 p.m.

Application File Number: CUPFY2016-9

Applicant: The applicant is Good Citizen Dog Training, represented by Louis R. Goaziou

Location: 5107 N. Sawyer Ave, Ste 5109, Ada County Parcel R7851270020; Lot 2 Block 1 of Sherer Subdivision

Requested Use: 8-2C-5 Animal Care Facility

Project Synopsis:

Good Citizen Dog is requesting approval to conduct a dog training / dog daycare and boarding of dogs at 5107 N. Sawyer Ave, Ste 5109, Garden City, ID 83714. **Phase one** would be to conduct private and classroom training of dogs with a class limit of 6-8 dogs per class. Private lessons to be conducted during normal business hours 8AM – 5PM. Classroom training on Tuesday and Thursday evenings from 7PM – 8PM. Saturday classes 10AM, 11:15AM and 1PM. **Phase two** would occur within 6 months of opening the facility to install a six foot (6') vinyl fenced play area of 30' X 38' with K9 approved grass. Upon completion of the outside play area our hours of operation will be 7AM to 7PM. **Phase three** would occur within the first year of operation to soundproof the two rear rooms for boarding and training dogs. No dogs will be boarded until soundproofing is completed. Hours of operation after phase three is complete will be 7 AM to 9 PM. A Conditional Use Permit is required for an Animal Care Facility in a C-2 base zoning district.

Existing Conditions:

- The subject property is 0.559 acres.
- The project is in the C-2 General Commercial Zoning District.
- The project is located in the Light Industrial Comprehensive Plan Land Use Designation.
- The subject property is outside 100 year floodplain designation or floodway.
- Surrounding Uses: animal care facility, personal service, professional service, vehicle service, warehouse storage and wholesale.
- Existing Use: 5107 North Sawyer Avenue, Ste 5109 is currently vacant.
- Easements on site include the water and sewer main easement (20' wide) at the rear of the parcel and a utility, drainage and irrigation easement (15' wide) at the front of the property.
- Access to the site is from Sawyer Street.
- There are sidewalks in good repair adjacent to the site.

Standards for Review: Standards for review of this application are as follows:

Standards	Staff Analysis
8-7A Definitions of Uses	
8-2B-2 Allowed Uses	Compliant as conditioned
8-6B-2 Conditional Use	Pending decision of Commission
8-2C-5 Animal Care Facility	Complaint as Conditioned
8-4 Design and Development Regulations	Compliant as Conditioned
Comprehensive Plan Analysis	Compliant
Other Plans and Approvals Analysis	None Noted
Comments from Other Departments and Agencies	Compliant as conditioned

Staff Analysis:

8-7A Definitions of Uses: Compliant as Conditioned

ANIMAL CARE FACILITY: The use of a site for the boarding, care, grooming, diagnosis or treatment of animals. The use may include overnight accommodations on the premises and boarding that is incidental to the primary activity. The term "animal care facility" shall include, but not be limited to, an animal clinic, animal hospital, commercial kennel or veterinary office.

8-2B-1 Purpose

B. Commercial: The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.

GCC 8-2B-2 Allowed Uses: Compliant with Conditions

Animal Care Facility is a conditionally permitted use in the General Commercial Zoning District.

TABLE 8-2B-1 ALLOWED USES IN ALL BASE ZONING DISTRICTS

<i>P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district</i>								
	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-20</i>	<i>C-1</i>	<i>C-2</i>	<i>M</i>	<i>LI</i>
Animal Care Facility	C				C	C	C	P

GCC 8-6B-2 Conditional Use: Pending decision of Commission

A conditional use may be found to be appropriate or inappropriate at a given property. In some situations conditions of approval may be required to assist the proposed use in being appropriate to a location and in conformance with code. In other situations where the use cannot be conditioned to be appropriate to the location or code, it should not be permitted.

To approve a conditional use permit, the Commission must find the following:

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1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;
2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;
3. The use will not unreasonably diminish either the health, safety or welfare of the community; and
4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.

8-2C-5 ANIMAL CARE FACILITY: Complaint as Conditioned

The below are use specific standards required of Animal Care Facilities. The draft conditions of approval reflect these criteria.

- A. *Site Layout: A minimum distance of three hundred feet (300') shall be required to be maintained from the facility to any residence or lodging not on the property; the facility shall be entirely enclosed, heated, soundproofed, and air conditioned.*
- B. *Site Maintenance:*
 1. *Adequate shelter shall be required for the animals to be kept, including adequate means of restraining animals from running at large.*
 2. *The property shall be maintained with adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.*
- C. *Accessory uses, grooming and boarding of animals are allowed.*
- D. *Other Regulations Apply:*
 1. *The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.*
 2. *The use shall comply with the licensing requirements as set forth in title 3, Business And License Regulations, of this code.*
 3. *There shall be staff available at all times there are animals at the facility. If staff is not on site, a telephone number where a staff member can be reached and available to the site within thirty (30) minutes must be clearly and legibly posted from the exterior of the building at the front entrance to the establishment.*

The site plans submitted illustrate two (2) rooms to the rear of Suite 5109 will be soundproofed during Phase Three or within the first year of operation. Based on Garden City Code, soundproofing plans submitted by the applicant are insufficient. Staff recommends requiring soundproofing of all interior rooms dogs will be utilizing at 5107 N Sawyer Ave, Ste 5109 during **Phase One**.

There are no specific space requirements in Garden City Code Title 8 for dogs in Animal Care Facilities. According to the American Society for the Prevention of Cruelty to Animals (ASPCA), the dog to adult ratio should be no more than 15 dogs per employee. There should never be more than 10-15 dogs to any individual group. Additionally, ASPCA recommends each dog should have 75-100 sq. ft. of play space for each dog in a group. During Phase One the proposed Animal Care Facility provides adequate interior space for Good Citizen to conduct private and classroom training ensuring animals cannot run at large in the neighborhood. During Phase Two the addition of a fenced outdoor play area within six months of opening as proposed by the applicant shall provide more than adequate means of preventing dogs from running at large and provide additional exterior space for dog training. Staff recommends Temporary Occupancy may be granted for up to six month to allow for

the fencing of an outdoor playarea. No dogs shall be permitted outside of the building or play area except when controlled by the owner or an employee.

During Phase Three the applicant’s boarding facility shall provide the minimum square feet as defined by the United States Department of Agriculture (USDA) Animal Welfare Act Regulations when boarding each dog in an enclosure. The Animal Welfare Act Regulations require that primary enclosures for adult dogs must have adequate space to allow the dogs to turn about freely, to stand, sit and lie in a comfortable, normal position and to walk in a normal manner. Additionally, the interior height of the primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure, measured when the dog is standing in a normal comfortable standing position. The table below provides a guide to the minimum space needed for dogs based on body length.

DogLength(in)	SqFtNeeded	DogLength(in)	Sq FtNeeded	DogLength(in)	SqFtNeeded
7	1.17	19	4.34	31	9.51
8	1.36	20	4.69	32	10.03
9	1.56	21	5.06	33	10.56
10	1.78	22	5.44	34	11.11
11	2.01	23	5.84	36	12.25
12	2.25	24	6.25	38	13.44
13	2.51	25	6.67	40	14.69
14	2.78	26	7.11	42	16.00
15	3.06	27	7.56	44	17.36
16	3.36	28	8.03	46	18.78
17	3.67	29	8.51	48	20.25
18	4.00	30	9.00		

Title 8 Chapter 4 Design and Development Regulations: Compliant as conditioned

There are items that appear to be non compliant with design standards, including, but not limited to design provisions for non residential structures (Article A General Provisions 8-4A-3 Fences and Walls. Article D Parking and Offstreet Loading Provisions).

Article A: General Provisions

8-4A-3 Fences and Walls:

There is currently barbed wire fencing at the site on the existing fence in the rear and side of the property. Fencing with barbed wire is only allowed in a LI or C base district with approval from the Design Review Committee. A recommended condition of approval is removal of all barbed wire fencing on site.

Article D: Parking and Offstreet Loading Provisions

8-4D-3: Parking Design and Improvement Standards: Compliant as conditioned

There are currently no designated parking spaces for ADA accessible parking at 5107 North Sawyer Avenue. There are a total of twelve (12) parking spaces at 5107 N Sawyer Avenue with 6 spaces assigned to Suite 5107 and 6 spaces assigned to Suite 5109. Parking areas shall conform to Americans with Disabilities Act (ADA) standards for parking spaces. Parking spaces and access lanes shall be marked including handicapped symbols and signs.

The draft conditions of approval include a requirement that Americans with Disabilities Act (ADA) compliant parking spaces are provided and conform to ADA standards.

Comprehensive Plan Analysis Compliant

In and of itself, a Comprehensive Plan is not legally binding. However, a required Conclusion of Law for conditional use permits in Garden City is that the use is in compliance with the Comprehensive Plan. In this way the Garden City Zoning Code ensures that proposed uses are not only required to be compatible with existing neighborhoods, but are also progressing the vision that the community has for those neighborhoods.

The proposed use is located in the Light Industrial Land Use Designation.

***LIGHT INDUSTRIAL:** The light industrial designation reflects an intent to maintain the area of existing industrial uses, around Bradley Street and north of Chinden. Industrial development includes: materials processing and assembly, product manufacturing, storage of finished products, and truck terminals. Manufacturing support facilities such as offices and research related activities should also be allowed in this area, but other non-industrial uses should be limited. Major consideration in regulating industrial uses should be setbacks, buffering and landscaping from adjacent residential uses. Standards should also be directed toward control of light, glare, noise, vibration, water and air pollution; use and storage of toxic, hazardous or explosive materials; and outdoor storage and waste disposal.*

An Animal Care Facility is proposing to run a dog training / dog daycare business with regular business hours. There are no residential uses or zones immediately adjacent to the proposed site. The use of an Animal Care Facility does not appear to be in conflict with the Garden City Comprehensive Plan.

Other Plans and Approvals Analysis

No other plans or approvals have been reviewed in conjunction with this proposal.

Comments from Other Departments and Agencies

The following Departments, Divisions, and Agencies have provided comment. Below is a brief synopsis of the comment provided.

Department of Environmental Quality

DEQ provided a letter dated September 29, 2016 recommending Best Management Practices be implemented for animal facilities. No project-specific information provided by DEQ.

Garden City Sewer Division

Garden City Sewer Department has provided email correspondence dated September 13, 2016 stating no issues noted.

Ada County Highway District

The Ada County Highway District has provided a letter dated September 27, 2016, stating no improvements required to the adjacent street(s). Applicant must pay all applicable fees assessed by ACHD. No objections noted.

North Ada County Fire and Rescue

The North Ada County Fire and Rescue has provided a letter dated September 30, 2016, stating no comment.

Garden City Engineer

The Garden City Engineer has provided a letter dated September 26, 2016. The letter makes reference to the outdoor play area proposed in Phase Two. After building permits have been approved for phase two, other comments may become apparent.

Idaho Department of Transportation

Idaho Department of Transportation provided a letter dated October 5, 2016, stating no objection to the proposed animal care facility at this location.

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Summary of Comments from Public

To date there has not been any comment submitted to the City.

GARDEN CITY PLANNING AND ZONING COMMISSION

Animal Care Facility

5107 N. Sawyer Ave, Ste 5109
CUPFY2016-9

) FINDINGS OF FACT, CONCLUSIONS
) OF LAW, AND DECISION

This application came before the Garden City Planning and Zoning Commission for consideration on October 19th, 2016, at which time the Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Commission makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The applicant is Louis R. Goaziou, owner of Good Citizen Dog Training.
2. The property owner of record is Jerry Klamerus.
3. The request is for the use 'Animal Care Facility' as defined by Garden City Code 8-7A.
4. The location of the project is 5107 N Sawyer Ave, Ste. 5109, in Garden City; Ada County parcel R7851270020; Lot 2 Block 1 of Sherer Subdivision.
5. The subject property is 0.559 acres.
6. The subject property is outside the 100 year floodplain designation.
7. The project is in the C-2 General Commercial Zoning District.
8. The project is located in the Light Industrial Comprehensive Plan Land Use Designation.
9. The following section of the Garden City Planning and Zoning Codes apply to this proposal:
GCC 8-7A DEFINITIONS OF USES
GCC 8-2B-2 ALLOWED USES
GCC 8-2C-5 ANIMAL CARE FACILITY
GCC 8-4 DESIGN AND DEVELOPMENT REGULATIONS
GCC 8-6B-2 CONDITIONAL USE
10. A copy of the application and plans was transmitted to interested and affected public agencies and written comments were received from:
 - a. Department of Environmental Quality
 - b. Garden City Sewer Division
 - c. Ada County Highway District
 - d. North Ada County Fire & Rescue
 - e. Garden City Engineer
 - f. Idaho Department of Transportation
3. The record contains:
 - a. Application Materials
 - b. Letter of Application Acceptance
 - c. Agency Review Transmittal
 - d. Radius Notice
 - e. Legal Advertisement in Idaho Statesman
 - f. Affidavit of property posting
 - g. Agency Comments
 - h. Staff report, and referenced materials
 - i. Public Comments
 - j. Planning and Zoning Commission Hearing Sign Up Sheet
 - k. Signed Findings of Fact, Conclusions of Law, and Decision
4. The application was received August 25th, 2016. Notification of application acceptance and completion was sent to the applicant within 30 days of receipt of the application. The

Commission Public Hearing was held within sixty (60) days of receipt of an application certified as complete.

5. On September, 14 2016 a letter of acceptance with hearing date was sent to the applicant.
6. A transmittal to other agencies including notice, application and other documents was sent on September 12, 2016 more than fifteen days prior to the public hearing.
7. A legal public hearing notice for the proposed conditional use permit application was published on September 14, 2016, and on September 13, 2016, notice was mailed to all property owners within a 300-foot radius of the said property in compliance with the public notice requirements of Section 8-6A-7 of the Garden City Municipal Code.
8. A sign was posted on **10/6/2016**, in accordance with Garden City Code for the public hearing of October 19, 2016.
9. On October 19, 2016, at the Planning and Zoning Commission public hearing
 - A. The Chairman noted an email from the applicant noting agreement with the draft findings of fact, conclusions of law, and decision. The Chairman further asked if the applicant was in attendance, agreed with the draft findings of fact, conclusion of law and recommended decision, and if there was any member of the public who wished to testify in opposition to the application.
 - B. The applicant Louis Goaziou owner of Good Citizen Dog Training noted that he was in attendance and that he and his client agreed with the decision and conditions as drafted.
 - C. There was no one from the public who wished to testify.
 - D. The application was moved to the consent agenda, and approved.

CONCLUSIONS OF LAW

Approval of the proposed conditional use permit is governed by 8-6B-2 code consideration of Title 8 of the Garden City Code:

1. **The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district:**
Provided all conditions of approval are satisfied this proposed use is compatible with other uses in the vicinity.
2. **The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts:**
This use is located in an area that has adequate public facilities and services.
3. **The use will not unreasonably diminish either the health, safety, or welfare of the community:**
Provided all conditions of approval are satisfied, complied with, and enforced, this use will not unreasonably diminish the health, safety, or welfare of the community.
4. **The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City:**
The proposal is located in the Light Industrial Land Use Designation of the Garden City Comprehensive Plan. This proposal is congruent with the intent of the Light Industrial District.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Planning and Zoning Commission hereby does **APPROVE** CUPFY2016-9 Application for a 'Animal Care Facility' located at 5107

N. Sawyer Ave., Ste 5109, in Garden City; Ada County parcel R7851270020; Lot 2, Block 1 of Sherer Subdivision subject to the following conditions:

Site Specific Requirements

1. The use “Animal Care Facility” at 5107 N. Sawyer Ave., Ste. 5109 is approved with this application.
2. The facility shall be entirely enclosed, heated, soundproofed, and air conditioned prior to commencement of the use.
3. Adequate means of restraining animals from running at large is required.
4. The property shall be maintained with adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.
5. Accessory uses, grooming and boarding of animals are allowed.
6. The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.
7. The use shall comply with the licensing requirements as set forth in Garden City Code.
8. There shall be staff available at all times there are animals at the facility. If staff is not on site, a telephone number where a staff member can be reached and available to the site within thirty (30) minutes must be clearly and legibly posted from the exterior of the building at the front entrance to the establishment.
9. The customer parking lot shall include ADA compliant parking.
10. The applicant shall maintain operational protocols at all times that address safety, noise, cleanliness, odor, and animal supervision.
11. Soundproofing of all interior rooms dogs will be utilizing shall be required during Phase One.
12. Noise levels shall be at a minimum and no higher than the 50-55 dB range when measured 10-feet from the exterior wall.
13. No more than 15 dogs per employee on site shall be boarded.
14. Each play area shall provide a minimum of 100 square feet per dog.
15. The boarding facility shall provide the minimum square feet as defined by the United States Department of Agriculture (USDA) Animal Welfare Act Regulations when boarding each dog in an enclosure. The table below provides a guide to the minimum space needed for dogs based on body length.

DogLength(in)	SqFtNeeded	DogLength(in)	Sq FtNeeded	DogLength(in)	SqFtNeeded
7	1.17	19	4.34	31	9.51
8	1.36	20	4.69	32	10.03
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10	1.78	22	5.44	34	11.11
11	2.01	23	5.84	36	12.25
12	2.25	24	6.25	38	13.44
13	2.51	25	6.67	40	14.69
14	2.78	26	7.11	42	16.00
15	3.06	27	7.56	44	17.36
16	3.36	28	8.03	46	18.78
17	3.67	29	8.51	48	20.25
18	4.00	30	9.00		

16. Temporary Occupancy may be granted for up to six months to allow for the fencing of an outdoor play area.
17. No dogs shall be permitted outside of the building or play area except when controlled by the owner or an employee.
18. All barbed wire fencing on site shall be removed.

General Requirements

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. This approval is only approval of the conditional use permit. All other applicable permits must be obtained and completed prior to a certificate of compliance or occupancy.

The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
- 3.
4. Final approval is subject to the approval of other reviewing agencies and City Departments. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail.
5. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape maintenance provisions 8-4I-9; and standards for transportation and connectivity provisions identified in 8-4E.
6. Any tree grates shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.
7. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead and diseased plant materials shall be replaced.
8. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
9. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
10. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
13. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils, or planted with sufficient space to provide for the full maturity of the particular tree species.
14. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. Demonstrate compliance with 8-4G-1 prior to certificate of occupancies.
18. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
19. Property maintenance standards shall be maintained as required by Garden City Code 8-4K.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.

21. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.
22. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the City Engineer. Total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
23. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City Public Works or Planning Official.
24. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
25. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action.
26. No change in terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his or her authorized representative and an authorized representative of the reviewing agency. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Garden City.
27. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
28. Any violation of the conditions of this application is a criminal offence.
29. Should there be a change in use, there is a clear intent to cease the use, or the use is discontinued for more than one year without written documentation submitted to the City, legal noticing, and property posting indicating intent to continue the use, this approval shall become void.
30. This approval shall be considered commencement of this use.
31. All previous uses are null and void unless otherwise conditioned.
32. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
33. An extension may be granted by the Commission upon findings that the application and or the applicable City regulations have not changed. Such extension shall 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.
34. There is a 10 day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within ten (10) days after the action of the decision.

Chairman, Planning and Zoning Commission

Date



STATE OF IDAHO
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE
1445 North Orchard Street•Boise, ID 83706-2239•(208) 373-0550

DEQ Response to Request for Environmental Comment

Date: 09/29/2016
Agency Requesting Comments: City of Garden City
Date Request Received: 09/12/2016
Applicant/Description: Animal Care and Assisted Living Facilities

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieg/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. Air Quality

- *Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).*

For questions, contact David Luft, Air Quality Manager, at 373-0550.

- *IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.*

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. Wastewater and Recycled Water

- *DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.*

All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

- *DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.*
- *DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.

3. Drinking Water

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

All projects for construction or modification of public drinking water systems require preconstruction approval.

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

For questions, contact Todd Crutcher, Engineering Manager at 373-0550.

4. Surface Water

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*
- *Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.*
- *If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.*
- *The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: <http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>*
- *The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.*

For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.

5. Hazardous Waste And Ground Water Contamination

- **Hazardous Waste.** *The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.*
- *No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.*
- **Water Quality Standards.** *Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).*

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** *DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."*

For questions, contact Dean Ehlert, Waste & Remediation Manager, at 373-0550.

6. Additional Notes

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at 208-373-0550.

Sincerely,



Aaron Scheff
aaron.scheff@deq.idaho.gov
Regional Administrator
Boise Regional Office
Idaho Department of Environmental Quality

ec: TRIM 2016AEK95
File # 2197

From: [Troy Vaughn](#)
To: [Jenah Thornborrow](#); [Erika Akin](#); [building](#); [Owen Nason](#)
Subject: RE: Garden City Agency Notice
Date: Tuesday, September 13, 2016 7:06:04 AM

Good morning,
I see no issues with Garden City Sewer Dept.
Thanks,

From: planning
Sent: Monday, September 12, 2016 4:26 PM
To: Ken Couch; Colin Schmidt; Kevin Wallis; Lindsey Pettyjohn; Troy Vaughn; Chas Heaton; City Council; Charles Wadams; Frank Walker; Rick Allen; Abe Blount; Adam Straubinger; bob_kibler@fws.gov; bpietras@idl.idaho.gov; S. Bryce Farris; carla.bernardi@cableone.biz; clittle@achdidaho.org; cmiller@compassidaho.org; cnitz@adaweb.net; criddle@cityofboise.org; Danielle Robbins; dgordon@cityofboise.org; Mark Perfect; Eric Exline; fromm.carla@epa.gov; greg.j.martinez@usace.army.mil; idprospect@aol.com; jamie.huff@dhs.gov; Joe Canning_Work; Jim Morrison; Jim Poe; Katy Moeller; Lanette Daw; Lori Badigian ; linda.clark@deq.idaho.gov; lisaharm@msn.com; Lisa Leiby; Mack Myers; mark.wasdahl@itd.idaho.gov; mark@pioneerirrigation.com; mreno@cdhd.idaho.gov; msinglet@intgas.com; Nadine Curtis; New Dry Creek Ron Sedlacek; parks4fun4u@aol.com; Pam Beaumont; Projectmgr@boiseriver.org; Fairview Acres; Ronald Johnson ; rkinney@republicservices.com; Rob Olson; rphillips@idahopower.com; rward@idfg.idaho.gov; sanderst@dhw.idaho.gov; sdouglas@idl.idaho.gov; Shelley Young; syarrington@achdidaho.org; tmcmmorrow@spro.net; Tom Patterson; wbsdmb@qwestoffice.net
Cc: building; Owen Nason
Subject: Garden City Agency Notice

FROM: Garden City Development Service Department, City of Garden City, (208) 472-2921, 6015 Glenwood, Garden City, ID 83714.

THE FOLLOWING ITEMS WILL BE HEARD AT A PUBLIC HEARING BEFORE THE GARDEN CITY PLANNING AND ZONING AT 6:30 P.M. Wednesday, October 19, 2016, AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO TO CONSIDER A REQUEST FOR:

CUPFY2016-9: Good Citizen Dog Training represented by Louis Goaziou, is requesting a Conditional Use Permit approval of an Animal Care Facility. The site is located at 5107 N Sawyer Street, Ste. 5109, Garden City, 83714, and is within the C-2 General Commercial Zoning District and the Light Industrial Comprehensive Plan Land Use Designation. lou@goodcitizendog.com

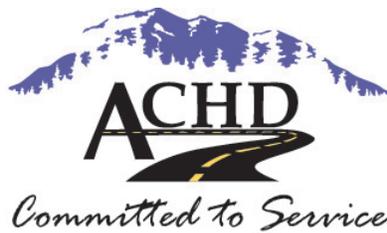
-
CUPFY2016-10: Emerson House represented by Glen Walker of Neudesign Architecture, is requesting a Conditional Use Permit approval of an addition of an existing assisted living facility. The site is located at 8250 W Marigold Street, Garden City, 83714, and is within the M Mixed Use Zoning District and the Residential Medium Density Comprehensive Plan Land Use Designation. glenn@neudesignarch.com

Application materials can be found at

http://www.gardencityidaho.org/index.asp?SEC=435AAA7D-EB0F-4395-AA73-B9091191194B&DE=531C904E-82E1-4719-B6C7-38491414BE61&Type=B_EV

NOTE: Please send comments to Garden City Development Services by **October 4, 2016**. If you do not respond by this date it will be considered "No Comment".

It is the responsibility of those interested and/or affected jurisdictions to schedule their own applicable meeting. In some cases, Garden City's applications are processed before other jurisdictions' response, and the conditions of approval state that the approval is subject to statutory requirements of affected other jurisdictions. Please address your comments to the applicant as well as Development Services Department planning@gardencityidaho.org or Development Services Department, 6015 Glenwood, Garden City, Idaho 83714



Kent Goldthorpe, President
Paul Woods, Vice President
Rebecca W. Arnold, Commissioner
Sara M. Baker, Commissioner
Jim D. Hansen, Commissioner

September 27, 2016

(Via email)

To: Good Citizen Dog Training
Louis R. Goaziou
10803 W. Crusier Dr.
Boise, ID 83709

Subject: GC16-0010/ CUPFY2016-9
5109 N. Sawyer Avenue
Dog Training Facility

The Ada County Highway District (ACHD) has reviewed the submitted application for the application referenced above and has determined that there are no improvements required to the adjacent street(s).

The applicant shall be required to:

1. Pay a traffic impact fee. If applicable, a traffic impact fee may be assessed by ACHD and will be due prior to the issuance of a building permit by the lead agency. This is a separate review process and it is the applicant's responsibility to submit plans directly to ACHD.
2. Comply with all ACHD Policies and ACHD Standard Conditions of Approval for any improvements or work in the right-of-way.
3. Obtain a permit for any work in the right-of-way prior to the construction, repair, or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.).

If you have any questions, please feel free to contact me at (208) 387-6218.

Sincerely,

Dawn Battles
Planner I
Development Services

cc: Garden City, via email

Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

Margaret Dimmick
Commissioner/Chair

Michael G. Irvan
Commissioner

Jeff Ramey
Commissioner



Shelley Young
*Sr. Administrative
Assistant*

September 30, 2016

Garden City Development Services - Planning

Re: Conditional Use Application CUPFY2016-9
5109 N. Sawyer Ave

This application is for a Conditional Use approval for operation of Good Citizen Dog Training Academy.

The North Ada County Fire & Rescue has reviewed and can approve the application subject to compliance with all of the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by NACFR Rules.

Comments:

1. None.

General Requirement:

Specific building construction requirements of the International Building Code, International Fire Code will apply. However, these provisions are best addressed by a licensed Architect at building permit application.

Regards,

Ron Johnson
Division Chief – Assistant Fire Marshal
Boise Fire Department



B & A Engineers, Inc.

Consulting Engineers & Land Surveyors
5505 West Franklin Road, Boise, ID 83705
Telephone 208+343+3381 Facsimile 208+342+5792

To: **Garden City Planning**

Copy: **Jenah Thornborrow
Colin Schmidt
Erika Akin
Owen Nason
Kevin Wallis
Troy Vaughn
Chas Heaton
Olesya Durfey**

From: **Joe Canning, PE/PLS**
Telephone: 208+343+3381
Facsimile: 208+342+5792

Date: 26 September 2016

Subject: **Good Citizen Dog Training
5107 North Sawyer Street, Suite 5109
Parcel Number R7851270020
CUPFY2016-9
Planning and Zoning Comments**

Pages: 2

Media: Transmitted via E-mail

On behalf of Garden City, as the city engineer, we have completed our review of the application for the subject project. This application proposes three phases create and operate an animal training/boarding facility in and on an existing building facility. Proposed phase two (development of a outdoor play area), as described in the applicant's letter (undated), could impact storm drainage patterns on the site.

Comments regarding the project are provided below. Since specific details of all infrastructure components are not provided with the application, our comments may be considered an overview on items of note. After construction plans have been provided for phase two, other comments may become apparent,

Any approval of the project must be conditioned upon successfully addressing concerns presented in this review.

Erosion and Sediment Control

Prior to performing any grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan.

North Ada County Fire and Rescue District

Approval of the project by the North Ada County Fire and Rescue District should be required. Should fire flow requirements exceed what is available in the area, the project may be required to upgrade existing facilities or modify building construction to comply with flow requirements. Should additional fire hydrants be required, a public city water main will need to be extended to the hydrant.

Water and Sewer Connections

For new connections (if any are proposed) to city water and sewer, specifics of those connections will have to be reviewed and approved by the city's Public Works Department. The applicant is responsible to verify that sanitary sewer service and adequate depth of said service is available to the addition, if necessary.

Ada County Highway District

Approval of the project by the Ada County Highway District will be required.

Proposed FEMA Maps

Please be aware that FEMA is currently completing a study of the Boise River and will be issuing new FIRM maps. Although these are only working maps at this time, many new areas within Garden City may be included in the floodplain. What the final maps will depict is impossible to predict at this point in time, but impact to the proposed project is probable. The city cannot regulate to "possible" scenarios, but can suggest care be taken as long term costs to the residents could result. We suggest the applicant review the working maps to consider the possible impact to the project.

Grading and Drainage

Depending on the exact proposal for phase two (the exterior play yard of approximately 1,500 square feet), the city may require submittal, review and approval of a site specific grading and drainage plan, storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by a qualified professional engineer licensed in Idaho. Compliance with the storm water ordinance and policies of the city will be required. A site geotechnical report prepared by a qualified professional engineer licensed in Idaho may be required for the design of an on-site storm water system. Said report, if required, must identify the depth to seasonal high groundwater, provide a profile of encountered soils and their infiltration rates. The report must also provide a design infiltration rate for the storm water system. The storm water design must provide for at least 3 feet of vertical separation between the bottom of the storm water facility and the seasonal high groundwater.

Storm Water System Maintenance

Depending on the needs of the immediate above comment, the city may also require that the landowner enter into an agreement with the city that will be recorded on mandatory maintenance of the site's storm water system.

Irrigation Facilities

Relocation of any existing gravity irrigation facilities, if any are impacted, will require the approval of the entity in control of the facility. Said relocation may also require compliance with the Army Corps of Engineers 404 permitting process.

We have no other comments regarding this request at this time.



IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028
Boise, ID 83707-2028

(208) 334-8300
itd.idaho.gov

October 5, 2016

Garden City Development Services Division
6015 Glenwood Street
Garden City, ID 83714

VIA EMAIL

RE: CUPFY2016-9 GOOD CITIZEN DOG TRAINING

The Idaho Transportation Department (ITD) has reviewed the referenced conditional use application from Louis Goaziou for an animal care facility located at 5107 North Sawyer Street, north of US-20/26 (Chinden Boulevard). ITD has the following comments:

1. ITD has no objection to the proposed animal care facility at this location.
2. No access to Chinden Blvd. (US20-26) is requested and none is approved.

If you have any questions, you may contact Shona Tonkin at 334-8341 or me at 332-7190.

Sincerely,

A handwritten signature in blue ink that reads "Ken Couch".

Ken Couch
Development Services Coordinator
Ken.Couch@itd.idaho.gov
