



CITY OF GARDEN CITY

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MEMORANDUM

Date: For September 12, 2016

To: City Council

From: Jenah Thornborrow, Development Service Director

RE: CUP2016-8 'Public Use' for an improved access to the Boise River, bicycle racks, paddleboard racks, drinking fountain, and recreation amenities.

Requested Action:

Approval of application file CUP2016-8 'Public Use' for an improved access to the Boise River, bicycle racks, paddleboard racks, a drinking fountain, recreation amenities, and re-vegetation of riparian area.

Recommendation

The Planning and Zoning Commission held a public hearing on August 17, 2016. The Planning and Zoning Commission unanimously recommends approval of the application. Please refer to the attached draft minutes and signed recommendation. A draft decision corresponding with their recommendation has been included in the packet.

Background & Analysis:

Applicant: Tamara Thompson with the Land Group on behalf of the Riverside Hospitality LLC (Riverside Hotel)

Location: Roughly 1,000' lineal feet of un-platted public property riverside of and adjacent to 2900 Chinden Boulevard (Parcel 1983 of Blocks 36-38-41 INC, Vacated Parts of Streets and Alley, Fairview Acres Subdivision No. 5; Ada County Parcel R2734541990), 240 E 32nd Street (Lots 2-6 Blocks 36, Fairview Acres Subdivision No. 5; Ada County Parcel R2734541570) along the west bank of the Boise River, and approximately 18' of encroachment into the Boise River. The property line is roughly delineated in yellow below.



The applicant has indicated that the intent of the project is to provide access and public amenities to and along the Boise River adjacent to the Riverside Hotel for recreational pursuits. The use will be for the general public, and is not located on the Riverside Hotel owned property. Subsequently this application has been processed as a request for the Garden City Code defined use 'Public Use' for public access to the Boise River for recreational purposes. This application has not been processed as an expansion of the Garden City Code defined use 'Lodging'.

The project proposes to install 19 bicycle racks (accommodating 2 bicycles each), 7 paddle board racks on a standard concrete slab lined with permeable pavers along the greenbelt ranging 12'-16' in width. Between the bike and paddleboard racks there is a proposal to remove a portion of the existing riprap blanket on the west bank of the Boise River and replace it with a 17.5' sandstone slab /48"-60" tall boulder stairway access to the Boise River. Additionally, the proposal intends on installing a drinking fountain/ bottle filling station on a 9' concrete slab. All proposed work is on the river side of the greenbelt (publically owned property). Finally there are two re-vegetation areas proposed.

Typically the City Council would not review a conditional use permit. However, Garden City Code 8-3B-5-7 Riparian Zone requires approval of uses within the riparian zone to be approved by the Garden City Council.

*The riparian zone is to be left natural. **Uses within the riparian zone shall be restricted to those** which are required by public necessity (for example, bridges or water pumps), **for public recreation (for example, the greenbelt)**, and wildlife habitat improvements (for example, vegetation, nesting structures); provided that the use/encroachment meets the approval of the federal emergency management agency and national flood insurance program and does not jeopardize the city's participation in the national flood insurance program.*

A. Improved access to the Boise River shall be prohibited in all areas that are not approved through a conditional use permit with approval of city council or otherwise designated by the city council; and

B. Approved accesses to the Boise River must be designed in such a way so as to not destabilize the banks of the river.

1. No use of restricted use chemicals or soil sterilants will be allowed within the riparian area.

2. No use of pesticides, herbicides, fertilizers will be allowed unless approved by regulatory agencies that have jurisdiction over the Boise River.

3. All applications of pesticides, herbicides and fertilizers shall be done by a licensed applicator and applied at minimum application rates and shall be limited to two (2) times a calendar year unless otherwise approved.

4. The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed.

C. No person shall damage, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the riparian zone without an approved permit. Minor pruning above the ordinary high water mark that does not remove, damage or otherwise harm any plant, habitat or cause bank destabilization is allowed without a permit.

D. A permit may be granted for:

1. Removal of downed trees or trees identified by the city arborist to pose a danger to life, limb or property may be removed.

2. Replacement of nonnative plants with native plants to provide habitat or bank stabilization.

During a site visit conducted August 5, 2016, it appears as though there are violations of Garden City Code 8-3B-5-7. Much of the public property between the Riverside Hotel and the Boise River has been rendered to bare dirt, at places is maintained in grass, and there is a newly cut tree at the Boise River bank.



Examples of violations on August 5, 2016

In addition to the Garden City Riparian Area Code there are a number of Federal, State, and Local regulations related to the applications involving the Boise River ranging from floodplain management, migratory bird and wetlands protection, pollutant and sediment discharge, etc. Of particular concern with this application is the plant schedule as it relates to many of the above mentioned regulations. The types of plants introduced may provide insurance that the bank will not be destabilized by pedestrian traffic, plants tend to slow down the waters (hard surfaces do not), reduce sediment in the river, provide habitat, and trees and brushy areas are important for shading and cooling of the water.

The applicant has proposed a re-vegetation schedule for the public property adjacent to the hotel's property as a way to mitigate the above matter. Included in the re-vegetation application materials is the un-platted public property riverside and adjacent to Telaya Winery located at 240 E.32nd Street, however, no improvements to the vegetation are proposed in the materials. Recommended conditions of approval would require that the banks be fully vegetated with native species as approved by the City and the tree that was cut be mitigated on the subject property. Removal of additional trees would not be permitted.

The applicant has provided a plant schedule that staff was unable to verify if the plant schedule is compliant with code requirement that new plants be native. The applicant has indicated that plant schedule was developed with assistance from a Boise State professor who has been on vacation. The Planning and Zoning Commission's recommendation included verification of compliance prior to the City Council hearing. This has not been provided, however, a reasonable alternative condition of approval would be that the applicant provides this information to staff for verification prior to issuance of any permits.

The applicant has indicated that no wetlands will be impacted from this project. The project has received U.S. Army Corps of Engineers approval. The applicant is not proposing to dedicate any public vehicular parking.

There are two points of particular significance with this project; ownership and safety.

Property Ownership

The subject property is un-platted, and no ownership has been identified.

Idaho Department of Lands (IDL) claims property below the 6500 cfs (ordinary highwater mark) on the Boise River. Typically it can be assumed that that un-platted property adjacent to the Boise River is following the River's meander line. In these situations IDL may agree to disclaim interest to upland property owners, provided that the property owners make a formal request, provide survey work, etc. IDL does not make claim to property adjacent to the river that is above the ordinary high water mark. Please note that staff, Jenah Thornborrow had a discussion via phone with Dean Johnson, Land Resource Supervisor on July 28, 2016 related to State of Idaho ownership and this property. He confirmed that if there has not been a disclaimer of interest for the un-platted property adjacent to the River between the River and the platted and owned property, that it is considered to be publically owned.

However, in this particular instance, the situation is somewhat unclear. The property predates Idaho's statehood. The property that the Riverside Hotel is located on was the hay reserve for Fort Boise. In looking at

the historic meander of the Boise River, it does not appear that the subject property is a result of the river meandering, rather the property on the south bank of the Boise River at this location has actually been reduced over the years. In discussions with the City Engineer, there is some question if the Davis family may have claim to the property.

Garden City Attorney, Charles Wadams has noted that if a property has been utilized for more than five years as right-of-way, then the property would be considered right-of-way.

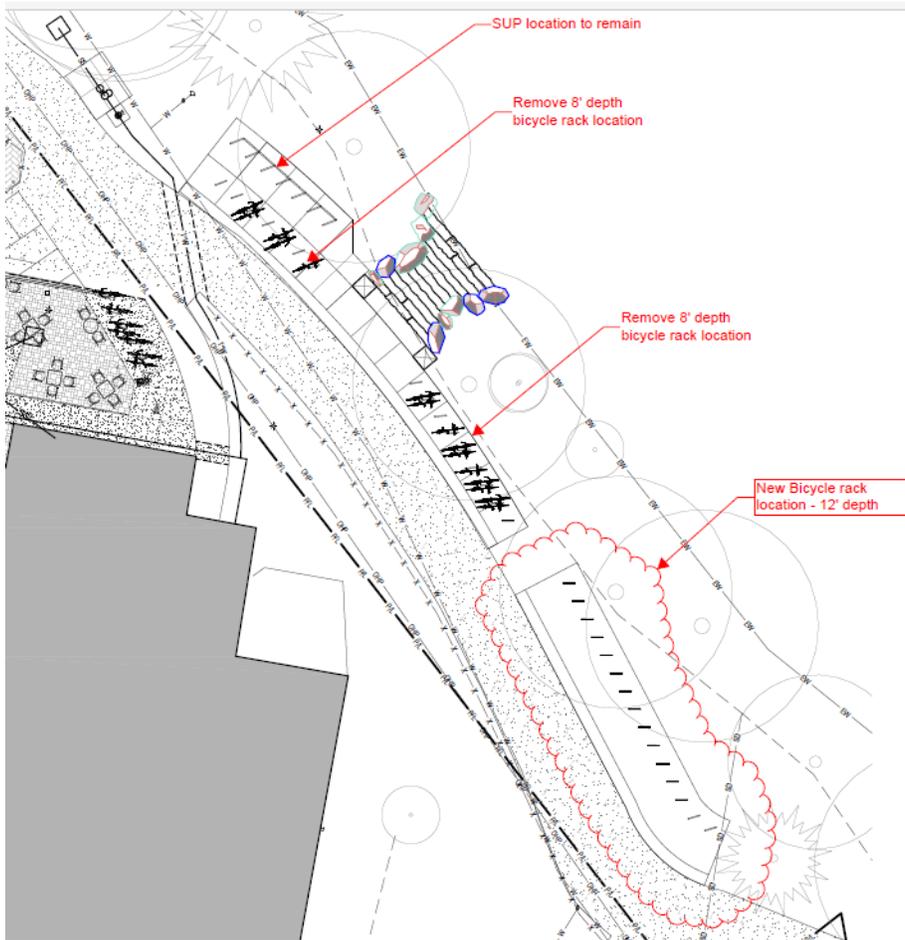
Safety

Public comments have been received and staff has had conversations with Idaho Smart Growth related to safety of the Greenbelt.

The Greenbelt is a dual use facility in that it is a public amenity that is used for recreation and commuters. The subject location is a congested area of the Greenbelt and introducing bike racks or paddleboards too close could create conflict with the Greenbelt users. Specifically there is concern of adequate space for people to move around a parked bike as well as how the bike will leave (i.e. will they be able to be mounted on the bike prior to entering the greenbelt or will they have to back their bike into the greenbelt prior to mounting the bike?). Additionally, the crossing of the greenbelt with boats and paddleboards or individuals holding kayaks or paddleboards lengthways while putting them in the racks could create impediments protruding into the greenbelt or block the greenbelt. The applicant provided bike rack space requirements (please refer to the staff report for the Planning and Zoning Commission for renderings and discussion). It has been proposed, based on the bike parking standards utilized in the creation of the proposal, that the revised plans for 144" of space would be adequate for bikes to pull away from the rack and be in a forward motion when entering the greenbelt (see staff report to Planning and Zoning Commission for more details). Furthermore, the applicant has testified that she believes that the 16' space provided for the paddleboard racks would be adequate to maneuver from the river to the racks without the boards entering into the greenbelt. She noted that the boards are typically between 10' and 13' and held at their center.

Please refer to proposal below:

The applicant has provided for 16' for the 7 proposed paddle board racks and 12' for the 19 proposed bicycle parking stalls. Please see revisions below. A formal revised plan has been submitted as of September 2, 2016 and has been provided in the packet.



Comprehensive Plan:

The Planning and Zoning Commission found that the application was highly supported by the Garden City Comprehensive Plan. The proposal is located in the Live Work Create Land Use Designation of the Garden City Comprehensive Plan. This proposal is congruent with the intent of the Live-Work-Create District. Furthermore there are numerous Goals, Objectives and Action Steps found in the Garden City Comprehensive Plan that support this application. Below are a few:

- 1.5 Objective: *Celebrate the historic, the cultural and the artistic.*
- Goal 2. *Improve the City Image*
- 2.1.2 *Encourage high quality design and landscaping, including the use of water features, in new development.*
- 3.1 Objective: *Create a downtown or town center with river access.*
- 3.2 Objective: *Create public gathering places at multiple locations throughout the city.*
- Goal 5. *Focus on the River*
- 5.1 Objective: *Consider a safe rafting route on the Boise River.*
- 5.2.1 *Identify appropriate native plants and landscaping techniques for landscaping along the river. Require that new developments have landscaping consistent with those guidelines.*
- 5.5 Objective: *Create more accessibility to the Boise River and greenbelt.*

Agency Comments:

The below provides a summary of each responding agency's comments. Their complete comments are included in the record documents.

Idaho Department of Lands

The State of Idaho owns the beds and banks of navigable lakes and streams (Public Trust Lands) as defined by the ordinary high water mark. Idaho Department of Lands (IDL) is the regulatory agency that manages this resource. IDL will require an easement for the portion of the project that is located below the ordinary high water mark of the Boise River. IDL will also require that the project be constructed and maintained in such a manner that will not obstruct the river channel or hinder or affect navigation, recreation, or other authorized and customary use of the Boise River. In addition, IDL will require that the Riverside Hotel Boise River access structure and other improvements to be open to the general public for free use.

Garden City Engineer

The Garden City Engineer has provided comments related to application materials, the design of the access to the river, vegetation removal, and the proposed water connection.

Idaho Transportation Department

No objection.

Garden City Sewer Division

No concerns noted.

Garden City Environmental Division

Garden City Environmental Division has not submitted comments to date. Regardless, Garden City Code requires that earthwork, and drainage be approved. A recommended condition of approval is approval of the Garden City Environmental Division.

North Ada County Fire and Rescue

No objections noted.

City of Boise Parks Department

The City of Boise has noted that more businesses should install access to the River to mitigate 'volunteer' accesses.

Public Comments:

The below provides a summary of testimony. An audio of the Planning and Zoning Commission public hearing on August 17, 2016 is included in the record documents.

Coleen Stambaugh gave testimony requesting that the location of the bike racks be reconsidered for safety and 'cluttering' of the Greenbelt. Meryl Lindgard also gave testimony noting safety concerns and requested relocation of the bike racks to be land side of the greenbelt. She further noted that the paddleboards may block the view of the river, but noted that the steps to the river were important and that she supported this access.

Commission Discussion:

The below is a brief synopsis of the Planning and Zoning Commission's discussions. The draft Planning and Zoning Commission minutes provide a more complete review of the discussion and are included with this packet. An audio of the Planning and Zoning Commission public hearing on August 17, 2016 is included in the record documents.

The Planning and Zoning Commission was pleased someone would do this for the community, even with the certain benefits their adjacent property will receive. The Commission's discussion centered on the ownership of the property and the bike racks.

It was noted that if ownership is not determined, it could possibly put the project and perhaps the City at risk. It was also noted that the Riverside Hotel cannot give an easement for property that does not belong to them. It was stated that the legality of the easement and the property ownership is beyond the legal scope of the

Planning and Zoning Commission's authority. They indicated that at some point in time if the Riverside does possess the property, then they should provide an easement for the public's use.

It was stated that the plan is very good, and that on the river it is difficult to balance nature, businesses, and public. In general the Commission felt that bike racks are necessary and might help delineate where people will place their bikes. They did indicate that they believed that the bike parking will not eliminate the degradation of the adjacent landscaping, nor will it relieve people from dropping their bikes next to the greenbelt. On a whole it was determined that the addition of parking is better than not providing parking.

Potential Changes to Conditions:

- The City Council could consider an additional condition of approval requiring documentation that reasonable attempts to identify heirs to the Davis family has occurred. Any correspondence/ evidence indicating that no claim to the property shall be submitted to the City. If the Davis family makes a legal claim to the property, an easement for public use shall be provided prior to the installation of the requested improvements.
- The City Council could consider an additional condition of approval noting that should the Riverside Hotel (or Telaya), or subsequent adjacent property owners ever make claim to the subject property in the future, easements shall be provided for the public's use of the greenbelt and all improvements riverside of the greenbelt including river access, drinking fountain, racks, seating, bike works stations, etc.
- The recommended conditions of approval required that the vegetation schedule be revised or verified as native prior to the City Council Hearing. The City Council could consider revising this condition to allow for the vegetation schedule to be reviewed and approved by staff.
- At the planning and Zoning Commission meeting the applicant requested that there not be a prohibition of crossing the greenbelt with paddleboards and kayaks. Instead of requiring signage prohibiting the crossing of the greenbelt with paddleboards or kayaks, the Council could entertain a revised condition requiring cautionary signs.

Public Notice:

1. An agency notice sent July 18, 2016
2. Application materials and notice were located on the Garden City website July 18, 2016.
3. A Public Service Announcement was sent on July 25, 2016
4. A Legal Notice was published in the Idaho Statesman on July 27, 2016
5. A 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 on July 27, 2016.
6. A Public Service Announcement was provided on July 25, 2016.
7. The Garden City Newsletter sent out notice on July 31, 2016
8. A Public Notice was located in the Garden City Hall lobby on August 3, 2016.
9. Revised application materials were submitted August 3, 2016.
10. A sign was posted on August 6, 2016, in accordance with Garden City Code for the public hearing of August 17, 2016.
11. Revised materials were submitted August 16, 2016
12. On August 17, 2016, the Planning and Zoning Commission held a public hearing.
13. A sign was posted by September 1, 2016, in accordance with Garden City Code for the public hearing of September 12, 2016.
14. City Council is scheduled to hold a public hearing n September 12, 2016.

GCC 8-6B-2 Required Findings:

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.
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 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.

Attachments:

- Planning and Zoning Commission Record Materials, including draft minutes
- Planning and Zoning Commission Recommendation
- Draft Conclusions of Law, Finding of Fact and Decision
- Revised Plans submitted 9-2-2016

GARDEN CITY COUNCIL

'Public Use' for Public Access to the Boise River
Un-platted Public Property
CUPFY2016-8

) **FINDINGS OF FACT, CONCLUSIONS**
) **OF LAW, AND RECCOMENDATION**

This application came before the Garden City Council for consideration on September 12, 2016, at which time the Council reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Council makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Tamara Thompson with the Land Group on behalf of the Riverside Hospitality LLC (Riverside Hotel).
2. The subject property is un-platted public property riverside of and adjacent to 2900 Chinden Boulevard, (Parcel 1983 of Blocks 36-38-41 INC, Vacated Parts of Streets and Alley, Fairview Acres Subdivision No. 5; Ada County Parcel R2734541990), 240 E 32nd Street (Lots 2-6 Blocks 36, Fairview Acres Subdivision No. 5; Ada County Parcel R2734541570) and the Boise River.
3. The request is for the use of 'Public Use' for an improved access to the Boise River.
4. The subject property is approximately 1,000 lineal feet between the property boundary and the Boise River including roughly 18' of encroachment of encroachment into the Boise River.
5. The project is not within a zoning district.
6. The project is located in the Live-Work-Create and TOD designations of the Comprehensive Plan.
7. Flood Plain Designation: Partially in river channel
8. Existing Use: Boise River
9. Easements on file with Garden City
15' Waterline
10. The following section of the Garden City Planning and Zoning Codes apply to this proposal:
 - 8-7A-1 Definitions of Uses**
 - 8-7A-2 Definitions of Terms**
 - 8-2B-2 Allowed Uses**
 - 8-3B-5-7: Riparian Zone**
 - Title 8 Article E. Transportation and Connectivity**
 - GCC 8-6B-2 Conditional Use**
11. Other studies, plans or previous approvals reviewed include:
 - Garden City Comprehensive Plan**
12. A copy of the application and plans was transmitted to interested and affected public agencies and written comments were received from:
 - a. Garden City Engineer
 - b. Garden City Sewer Division
 - c. Idaho Transportation Department
 - d. Central District Health
 - e. North Ada County Fire & Rescue
 - f. City of Boise
13. The record contains:
 - g. Application Materials
 - h. Letter of Application Acceptance
 - i. Agency Review Transmittal
 - j. Radius Notice

- k. Legal Advertisement in Idaho Statesman
 - l. Affidavit of property posting
 - m. Agency Comments
 - n. Staff report
 - o. Public Comments
 - p. Planning and Zoning Commission Hearing Sign Up Sheet
 - q. Signed Findings of Fact, Conclusions of Law, and Recommendation
14. The application was received July 14, 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.
 15. On July 18, 2016 a letter of acceptance with hearing date was sent to the applicant.
 16. A transmittal to other agencies including notice, application and other documents was sent on July 18, 2016 more than fifteen days prior to the public hearing.
 17. Application materials and notice were located on the Garden City website July 18, 2016.
 18. A legal public hearing notice for the proposed conditional use permit application was published, 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 on July 27, 2016.
 19. A Public Service Announcement was provided on July 25, 2016.
 20. The Garden City Newsletter sent out notice on July 31, 2016
 21. A Public Notice was located in the Garden City Hall lobby on August 3, 2016.
 22. Revised application materials were submitted August 3, 2016.
 23. A sign was posted on August 6, 2016, in accordance with Garden City Code for the public hearing of August 17, 2016.
 24. On August 17, 2016, at the Planning and Zoning Commission public hearing:
 - A. Staff Jenah Thornborrow presented the application.
 - B. The applicant Tamara Thompson represented the application and noted that she and her client agreed with the decision and conditions as drafted with minor amendments to draft site specific conditions 4, 6, 8, 11, and 14.
 - C. Coleen Stambaugh gave testimony requesting that the location of the bike racks be reconsidered for safety and 'cluttering' of the Greenbelt. Meryl Lindgard also noted safety concerns and requested relocation of the bike racks to be land side of the greenbelt. She further noted that the paddleboards may block the view of the river, but noted that the steps to the river were important and that she supported this access.
 - D. Commissioner Butler moved to recommend approval of the application with findings of fact, conclusions of law as drafted and adding the words 'on Riverside Hotel' to site specific condition #3. Commissioner Brown seconded the motion.
 - E. The motion passed unanimously.
 25. A sign was posted on September 1, 2016, in accordance with Garden City Code for the public hearing of September 12, 2016.
 26. On September 12, 2016, at the City Council public hearing:
 - F. Staff Jenah Thornborrow presented the application.
 - G. The applicant Tamara Thompson represented the application and noted no concerns.
 - H. Coleen Stambaugh gave testimony requesting that the location of the bike racks be reconsidered for safety and 'cluttering' of the Greenbelt. Meryl Lindgard also noted safety concerns and requested relocation of the bike racks to be land side of the greenbelt. She further noted that the paddleboards may block the view of the river,

but noted that the steps to the river were important and that she supported this access.

- I. Council Member X moved to approve the application with findings of fact, conclusions of law as drafted and amended. Councilmember X seconded the motion.
- J. The motion passed unanimously.

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:**
This proposed use is compatible as it is similar as it augments the sense of place and livability of the neighborhood.
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 Live Work Create Land Use Designation of the Garden City Comprehensive Plan. This proposal is congruent with the intent of the Live-Work-Create District. Furthermore there are numerous Goals, Objectives and Action Steps found in the Garden City Comprehensive Plan that support this application. Below are a few:
 - *1.5 Objective: Celebrate the historic, the cultural and the artistic.*
 - *Goal 2. Improve the City Image*
 - *2.1.2 Encourage high quality design and landscaping, including the use of water features, in new development.*
 - *3.1 Objective: Create a downtown or town center with river access.*
 - *3.2 Objective: Create public gathering places at multiple locations throughout the city.*
 - *Goal 5. Focus on the River*
 - *5.1 Objective: Consider a safe rafting route on the Boise River.*
 - *5.2.1 Identify appropriate native plants and landscaping techniques for landscaping along the river. Require that new developments have landscaping consistent with those guidelines.*
 - *5.5 Objective: Create more accessibility to the Boise River and greenbelt.*

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the City Council hereby does **APPROVE** CUPFY2016-8 Application for a 'Public Use' for an improved access to the Boise River, bicycle and paddleboard racks, a drinking fountain, and re-vegetation of the riparian area located at approximately 1,000' lineal feet of un-platted public property riverside of and adjacent to 2900 Chinden

Boulevard (Parcel 1983 of Blocks 36-38-41 INC, Vacated Parts of Streets and Alley, Fairview Acres Subdivision No. 5; Ada County Parcel R2734541990) and 240 E 32nd Street (Lots 2-6 Blocks 36, Fairview Acres Subdivision No. 5; Ada County Parcel R2734541570), and a portion of roughly 18' of the Boise River subject to the following conditions:

1. ~~Prior to a hearing with the Garden City Council, the applicant shall provide an analysis or revision of the plan with an analysis that can demonstrate that there is a~~adequate room for a bike to be in a forward motion prior to entering the greenbelt and that there is adequate space for paddleboards to navigate without any portion of the paddleboard entering the Greenbelt shall be provided.
2. Prior to a hearing with the Garden City Council, ~~t~~The applicant shall provide a revised plant schedule that consists only of plant species native to the Boise River. Documentation should be provided verifying that these species are native to the Boise River. This is to be reviewed and approved by Garden City Staff.
3. Documentation that reasonable attempts to identify heirs to the Davis family has occurred. Any correspondence/ evidence indicating that no claim to the property shall be submitted to the City. If the Davis family makes a legal claim to the property, an easement for public use shall be provided prior to the installation of the requested improvements.
4. Should the adjacent property owners, or subsequent adjacent property owners ever make claim to the subject property, easements shall be provided for the public's use of the greenbelt and all improvements riverside of the greenbelt including river access, drinking fountain, racks, seating, etc.
- ~~3-5.~~ An easement on Riverside Hospitality LLC's property and subsequent owners for the public's use of the proposed improvements riverside of the greenbelt and for the greenbelt shall be provided.
- ~~4-6.~~ Any previously signed but unrecorded easement for the benefit of the City shall be recorded.
- ~~5-7.~~ The proposed use and subject property is to remain open and accessible to all members of the public.
- ~~6-8.~~ Any encroachments, such as greenbelt, drinking fountain, seating, bike work station, etc., onto public property are to remain open and accessible to all members of the public.
- ~~7-9.~~ No fencing of the subject property is allowed.
- ~~8-10.~~ Unless otherwise permitted, no person shall damage, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the riparian zone.
- ~~9-11.~~ Replacement of nonnative plants with native plants to provide habitat or bank stabilization as identified in application materials provided with this application and approved by the City is permitted within the riparian area as defined by Garden City Code.
- ~~10-12.~~ The subject property shall remain fully vegetated with native species as approved by this application so as to maintain stabilized soils. Minor pruning above the ordinary high water mark that does not remove, damage or otherwise harm any plant, habitat or cause bank destabilization is allowed. Hardscaped areas are not allowed unless they are a part of the Greenbelt system otherwise approved by this approval.
- ~~11-13.~~ No trees shall be removed unless the City arborist has verified that the tree poses danger to life, limb or property. Should any tree die it shall be mitigated in accordance with Garden City Code mitigation standards.
- ~~12-14.~~ Restricted use chemicals or soil sterilants shall not be allowed within the riparian area.
- ~~13-15.~~ Use of pesticides, herbicides, fertilizers shall not will be allowed unless approved by regulatory agencies that have jurisdiction over the Boise River. All applications of pesticides, herbicides and fertilizers shall be done by a licensed applicator and applied at minimum application rates and shall be limited to two (2) times a calendar year unless otherwise approved.

- ~~14-16.~~ Signs noting that crossing of Greenbelt with paddleboard or kayak ~~is prohibited~~ should be done with caution shall be posted and clearly visible on both sides of the greenbelt at the proposed River Access.
- ~~15-17.~~ Signs noting 'no vehicle access on Greenbelt' at the two parking lots located at 2900 Chinden, adjacent to the Greenbelt shall be posted.
- ~~16-18.~~ An agreement with the ~~property upland adjacent property~~ owner of the subject property ~~located at 2900 Chinden, currently owned by Riverside Hotel,~~ shall be provided to the City agreeing to be responsible for maintaining the improvements and adjacent bank in vegetated, safe, and stable conditions unless otherwise conveyed to a public entity.
- ~~17-19.~~ Re-vegetation within the Boise River Channel may require an Army Corp permit.
- ~~18-20.~~ Improvements shall be installed as approved by Idaho Department of Lands, United States Army Corp of Engineers and, the City of Garden City.
- ~~19-21.~~ For Garden City approval the application shall at minimum require approval of the Garden City engineer, the Garden City Environmental Division and a Garden City Floodplain permit. Other Garden City approvals may be required.
- ~~20-22.~~ The operator shall have a continuing obligation to comply with all Federal, State, City, and County regulations.
- ~~21-23.~~ Any additional use or augmentation of the subject property may be subject to additional approvals.

General Requirements

1. This approval is only approval of the conditional use permit. All other applicable approvals of other decision making bodies, departments, and agencies and permits must be obtained prior to use of the site.
2. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance with the application as reviewed and approved.
3. 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.
4. 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.
5. 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.
6. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
7. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
8. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan.
9. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
10. 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.
11. 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.
12. The landscape installation shall stabilize all soil and slopes.

13. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
14. Property maintenance standards shall be maintained as required by Garden City Code 8-4K.
15. The property owner is responsible for the maintenance of all landscaping and screening devices required.
16. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. The Planning and Zoning 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.
23. Any violation of the conditions of this application is a criminal offence.
24. 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.
25. All previous uses are null and void unless otherwise conditioned.
26. The Council 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.
27. An extension may be granted by the City Council 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.

Mayor, John G. Evans

Date

GARDEN CITY PLANNING AND ZONING COMMISSION

'Public Use' for Public Access to the Boise River

Un-platted Public Property

CUPFY2016-8

) FINDINGS OF FACT, CONCLUSIONS

) OF LAW, AND RECCOMENDATION

This application came before the Garden City Planning and Zoning Commission for consideration on August 17, 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. Tamara Thompson with the Land Group on behalf of the Riverside Hospitality LLC (Riverside Hotel).
2. The subject property is un-platted public property riverside of and adjacent to 2900 Chinden Boulevard, (Parcel 1983 of Blocks 36-38-41 INC, Vacated Parts of Streets and Alley, Fairview Acres Subdivision No. 5; Ada County Parcel R2734541990) and the Boise River.
3. The request is for the use of 'Public Use' for an improved access to the Boise River.
4. The subject property is approximately 800 lineal feet between the property boundary and the Boise River including roughly 18' of encroachment of encroachment into the Boise River.
5. The project is not within a zoning district.
6. The project is located in the Live-Work-Create and TOD designations of the Comprehensive Plan.
7. Flood Plain Designation: Partially in river channel
8. Existing Use: Boise River
9. Easements on file with Garden City
15' Waterline
10. The following section of the Garden City Planning and Zoning Codes apply to this proposal:
 - 8-7A-1 Definitions of Uses**
 - 8-7A-2 Definitions of Terms**
 - 8-2B-2 Allowed Uses**
 - 8-3B-5-7: Riparian Zone**
 - Title 8 Article E. Transportation and Connectivity**
 - GCC 8-6B-2 Conditional Use**
11. Other studies, plans or previous approvals reviewed include:
 - Garden City Comprehensive Plan**
12. A copy of the application and plans was transmitted to interested and affected public agencies and written comments were received from:
 - a. Garden City Engineer
 - b. Garden City Sewer Division
 - c. Idaho Transportation Department
 - d. Central District Health
 - e. North Ada County Fire & Rescue
 - f. City of Boise
13. The record contains:
 - g. Application Materials
 - h. Letter of Application Acceptance
 - i. Agency Review Transmittal
 - j. Radius Notice

- k. Legal Advertisement in Idaho Statesman
 - l. Affidavit of property posting
 - m. Agency Comments
 - n. Staff report
 - o. Public Comments
 - p. Planning and Zoning Commission Hearing Sign Up Sheet
 - q. Signed Findings of Fact, Conclusions of Law, and Recommendation
14. The application was received July 14, 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.
 15. On July 18, 2016 a letter of acceptance with hearing date was sent to the applicant.
 16. A transmittal to other agencies including notice, application and other documents was sent on July 18, 2016 more than fifteen days prior to the public hearing.
 17. Application materials and notice were located on the Garden City website July 18, 2016.
 18. A legal public hearing notice for the proposed conditional use permit application was published, 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 on July 27, 2016.
 19. A Public Service Announcement was provided on July 25, 2016.
 20. The Garden City Newsletter sent out notice on July 31, 2016
 21. A Public Notice was located in the Garden City Hall lobby on August 3, 2016.
 22. Revised application materials were submitted August 3, 2016.
 23. A sign was posted on August 6, 2016, in accordance with Garden City Code for the public hearing of August 17, 2016.
 24. On August 17, 2016, at the Planning and Zoning Commission public hearing:
 - A. Staff Jenah Thornborrow presented the application.
 - B. The applicant Tamara Thompson represented the application and noted that she and her client agreed with the decision and conditions as drafted with minor amendments to draft site specific conditions 4, 6, 8, 11, and 14.
 - C. Coleen Stambaugh gave testimony requesting that the location of the bike racks be reconsidered for safety and 'cluttering' of the Greenbelt. Meryl Lindgard also noted safety concerns and requested relocation of the bike racks to be land side of the greenbelt. She further noted that the paddleboards may block the view of the river, but noted that the steps to the river were important and that she supported this access.
 - D. Commissioner Butler moved to recommend approval of the application with findings of fact, conclusions of law as drafted and adding the words 'on Riverside Hotel' to site specific condition #3. Commissioner Brown seconded the motion.
 - E. The motion passed unanimously.

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:**

This proposed use is compatible as it is similar as it augments the sense of place and livability of the neighborhood.

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 Live Work Create Land Use Designation of the Garden City Comprehensive Plan. This proposal is congruent with the intent of the Live-Work-Create District. Furthermore there are numerous Goals, Objectives and Action Steps found in the Garden City Comprehensive Plan that support this application. Below are a few:

- *1.5 Objective: Celebrate the historic, the cultural and the artistic.*
- *Goal 2. Improve the City Image*
- *2.1.2 Encourage high quality design and landscaping, including the use of water features, in new development.*
- *3.1 Objective: Create a downtown or town center with river access.*
- *3.2 Objective: Create public gathering places at multiple locations throughout the city.*
- *Goal 5. Focus on the River*
- *5.1 Objective: Consider a safe rafting route on the Boise River.*
- *5.2.1 Identify appropriate native plants and landscaping techniques for landscaping along the river. Require that new developments have landscaping consistent with those guidelines.*
- *5.5 Objective: Create more accessibility to the Boise River and greenbelt.*

RECCOMENDATION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Planning and Zoning Commission hereby does **RECOMMEND APPROVAL** CUPFY2016-8 Application for a 'Public Use' for an improved access to the Boise River, bicycle and paddleboard racks, a drinking fountain, and re-vegetation of the riparian area located at approximately 800' lineal feet of un-platted public property riverside of and adjacent to 2900 Chinden Boulevard (Parcel 1983 of Blocks 36-38-41 INC, Vacated Parts of Streets and Alley, Fairview Acres Subdivision No. 5; Ada County Parcel R2734541990), and a portion of roughly 18' of the Boise River subject to the following conditions:

1. Prior to a hearing with the Garden City Council, the applicant shall provide an analysis or revision of the plan with an analysis that can demonstrate that there is adequate room for a bike to be in a forward motion prior to entering the greenbelt and that there is adequate space for paddleboards to navigate without any portion of the paddleboard entering the Greenbelt.
2. Prior to a hearing with the Garden City Council, the applicant shall provide a revised plant schedule that consists only of plant species native to the Boise River. Documentation should be provided verifying that these species are native to the Boise River.
3. An easement on Riverside Hospitality LLC's property, and subsequent owners for the public's use of the proposed improvements riverside of the greenbelt and for the greenbelt shall be provided.
4. Any previously signed but unrecorded easement for the benefit of the City shall be recorded.

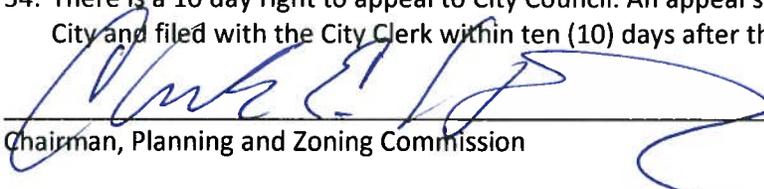
5. The proposed use and subject property is to remain open and accessible to all members of the public.
6. Any encroachments onto public property are to remain open and accessible to all members of the public.
7. No fencing of the subject property is allowed.
8. Unless otherwise permitted, no person shall damage, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the riparian zone.
9. Replacement of nonnative plants with native plants to provide habitat or bank stabilization as identified in application materials provided with this application and approved by the City is permitted within the riparian area as defined by Garden City Code.
10. The subject property shall remain fully vegetated with native species as approved by this application so as to maintain stabilized soils. Minor pruning above the ordinary high water mark that does not remove, damage or otherwise harm any plant, habitat or cause bank destabilization is allowed. Hardscaped areas are not allowed unless they are a part of the Greenbelt system otherwise approved by this approval.
11. No trees shall be removed unless the City arborist has verified that the tree poses danger to life, limb or property. Should any tree die it shall be mitigated in accordance with Garden City Code mitigation standards.
12. Restricted use chemicals or soil sterilants shall not be allowed within the riparian area.
13. Use of pesticides, herbicides, fertilizers shall not will be allowed unless approved by regulatory agencies that have jurisdiction over the Boise River. All applications of pesticides, herbicides and fertilizers shall be done by a licensed applicator and applied at minimum application rates and shall be limited to two (2) times a calendar year unless otherwise approved.
14. Signs noting that crossing of Greenbelt with paddleboard or kayak is prohibited shall be posted and clearly visible on both sides of the greenbelt at the proposed River Access.
15. Signs noting 'no vehicle access on Greenbelt' at the two parking lots located at 2900 Chinden, adjacent to the Greenbelt shall be posted.
16. An agreement with the property owner of the property located at 2900 Chinden, currently owned by Riverside Hotel, shall be provided to the City agreeing to be responsible for maintaining the improvements and adjacent bank in vegetated, safe, and stable conditions unless otherwise conveyed to a public entity.
17. Re-vegetation within the Boise River Channel may require an Army Corp permit.
18. Improvements shall be installed as approved by Idaho Department of Lands, United States Army Corp of Engineers and, the City of Garden City.
19. For Garden City approval the application shall at minimum require approval of the Garden City engineer, the Garden City Environmental Division and a Garden City Floodplain permit. Other Garden City approvals may be required.
20. The operator shall have a continuing obligation to comply with all Federal, State, City, and County regulations.
21. Any additional use or augmentation of the subject property may be subject to additional approvals.

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 approvals of other decision making bodies, departments, and agencies and permits must be obtained prior to a certificate of compliance or occupancy.
3. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance with the application as reviewed and approved.
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 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 Planning and Zoning 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. A certificate of occupancy or an application for a building permit shall be considered commencement of the 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

31 Aug 2016
Date



CITY OF GARDEN CITY

6015 Glenwood Street ☐ Garden City, Idaho 83714
Phone 208/472-2900 ☐ Fax 208/472-2998

~ MINUTES ~

Planning & Zoning Commission

6:30 PM

Wednesday, August 17, 2016

City Hall – Council Chambers

6015 Glenwood Street, Garden City, Idaho

-
- I. **CALL TO ORDER:** The meeting was called to order at 6:30 pm.
- II. **ROLL CALL:** Commissioners Present: Kent Brown; Stephanie Butler; Charles Kennedy; L. Joe Nunley
James Page
Commissioners Absent: None
- Staff Present: Jenah Thornborrow, Owen Nason, Connie Sol
- III. **CHANGES TO AGENDA:** None
- IV. **CONSENT AGENDA**
A. **July 20 2016, Minutes**
Commissioner Butler moved to approve the consent. Commissioner Nunley seconded the motion. The motion unanimously passed.
- V. **OLD BUSINESS:** None
- VI. **PUBLIC HEARINGS:**
- A. **CPAFY2016-1:** Matt Mraz, is requesting a code change to 8-2C-43 to reduce the minimum site area for a vehicle sales and rental from 30,000 square feet to 25,000 square feet. **City Council Hearing Date: September 12, 2016 at 6:00pm**
- Staff, Thornborrow, presented the application
 - Matt Mraz represented the application.
 - No member of the public gave testimony.
 - Commissioner page noted concerns with the apparent availability of space that is already suited for the use, and the need to change code.
 - Commissioner Brown suggested that he was inclined to recommend approval and that he found code's requirement of 30,000 sq. ft. is an arbitrary limitation.
 - Commissioner Butler noted she felt there were excellent points on both sides. Amending code to open up properties for the use of vehicle sales and rental could be desirable. She conveyed that the intended and unintended consequences of code should be considered, and that a change may balance code with recognition of and support for business. She indicated that she feels that the Comprehensive Plan is good but could have fine tuning.
 - Chairman Kennedy indicated that vehicle sales are a major industry in Garden City.
 - Commissioner Brown moved to recommend approval of the application with findings of fact, conclusions of law as drafted. Commissioner Butler seconded the motion.
 - Discussion by Commissioner Brown noted that the change would make it possible for additional businesses to locate. Commissioner Page indicated that the Garden City Code

and the Comprehensive Plan are not perfect, but they are a starting point and that he felt that the proposed modification would be contrary to the Comprehensive Plan.

- The motion was not approved on a 2/3 vote.
- Commissioner Page moved to **recommend denial of the proposal** with findings of fact, conclusions of law as drafted. Commissioner Nunley seconded the motion.
- **The motion passed on a 3/2 vote.**

B. CUPFY2016-8: Tamara Thompson with the Land Group is requesting Conditional Use approval of an improved access to the Boise River. The site is located at 2900 Chinden Blvd, Riverside Hotel, and is within C-1 zoning district and the Live Work Create Comprehensive Plan designation. **City Council Hearing Date: September 12, 2016 at 6:00pm**

- Staff, Thornborrow, presented the application
- Commissioner Page indicated that if the Davis family has claim to the subject property, that it could create a legal issue.
- Tamara Thompson represented the application. Ms. Thompson noted general consent of the recommended conditions of approval, but noted that she would request amendments to the language of site specific conditions 4, 6, 8, 11 and 14.
- Coleen Stambaugh gave testimony requesting that the location of the bike racks be reconsidered for safety and 'cluttering' of the Greenbelt. Meryl Lindgard also noted safety concerns and requested relocation of the bike racks to be land side of the greenbelt. She further noted that the paddleboards may block the view of the river, but noted that the steps to the river were important and that she supported this access.
- Staff clarified the intent of the discussed draft conditions, noted that an easement would be required of the Davis family for the project to move forward if the Davis family were to make claim to the property, and answered questions related to code's mitigation requirements.
- Commissioner Brown noted that property below the ordinary high water mark is owned by Idaho Department of Lands. He further noted that Riverside Hotel cannot give an easement for property that does not belong to them. He prefaced that he is not a lawyer, but believed that adding the words "on Riverside Hotel property" on site specific condition 3 was needed. Commissioner Brown also noted that recording any preexisting easements on site protects the City. Finally, he iterated that bike racks might help delineate where people will place their bikes.
- Commissioner Butler noted that the plan is very good, and that on the river it is difficult to balance nature, businesses, and public. She felt that there will be an increase of bikes and pedestrians on the greenbelt and this location and there is a need for parking. This project will increase access for public. She indicated that she did not believe that parking for bikes in a parking lot would relieve people from dropping their bikes next to the greenbelt. Finally she indicated that at some point in time if the Riverside does possess the property, then they should in some way provide easement.
- Commissioner Nunley noted that while the parking is unattractive it is necessary, and that the bike rack parking and restoration of natural vegetation will be an improvement.
- Commissioner Page noted that he felt unformed and uneducated on how to deal with the easement and property issue. As far as the standard language understands concerns 8, 11 however felt that this was dealt with by standard code language. He further iterated that this is not a typical application, and is a complex situation.
- Chairman Kennedy pleased someone would do this for the community, even with the certain benefits the adjacent property will receive. He noted that the Riparian area is not being enforced regardless of the condition of the current landscaping. The addition of bikes will be detrimental to the vegetation. He further commented that overall the addition of parking is better than not providing parking. Lastly, he commented that

legality of the easement is beyond legal scope of Planning and Zoning Commission's authority.

- Commissioner Butler moved to **approve the application** with findings of fact, conclusions of law as drafted and adding the words 'on Riverside Hotel' to site specific condition #3. Commissioner Brown seconded the motion.
- **The motion passed unanimously.**

VII. **NEW BUSINESS:** None

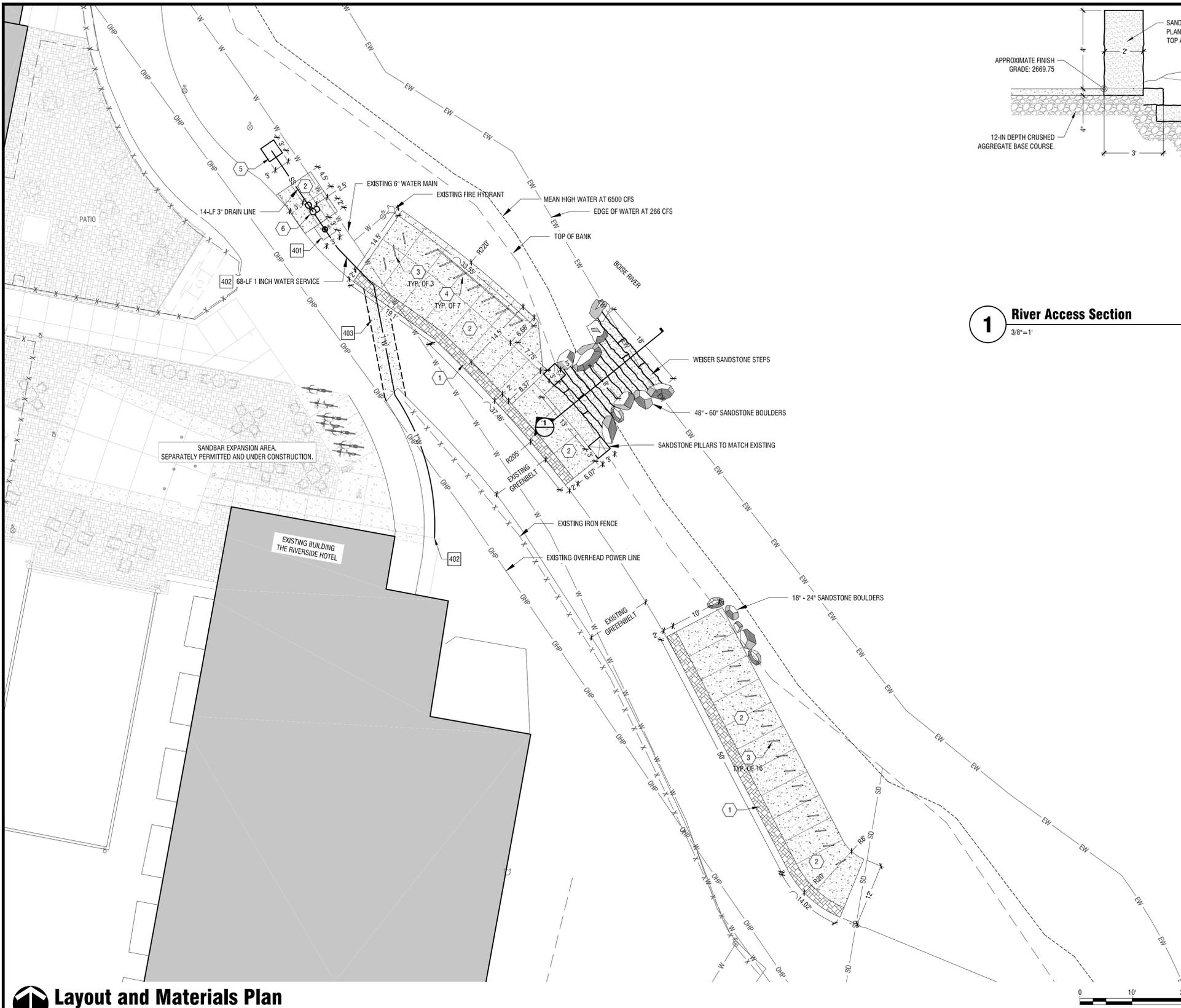
VIII. **DISCUSSION:** None

IX. **ADJOURNMENT:** Meeting adjourned at 8:18 p.m.

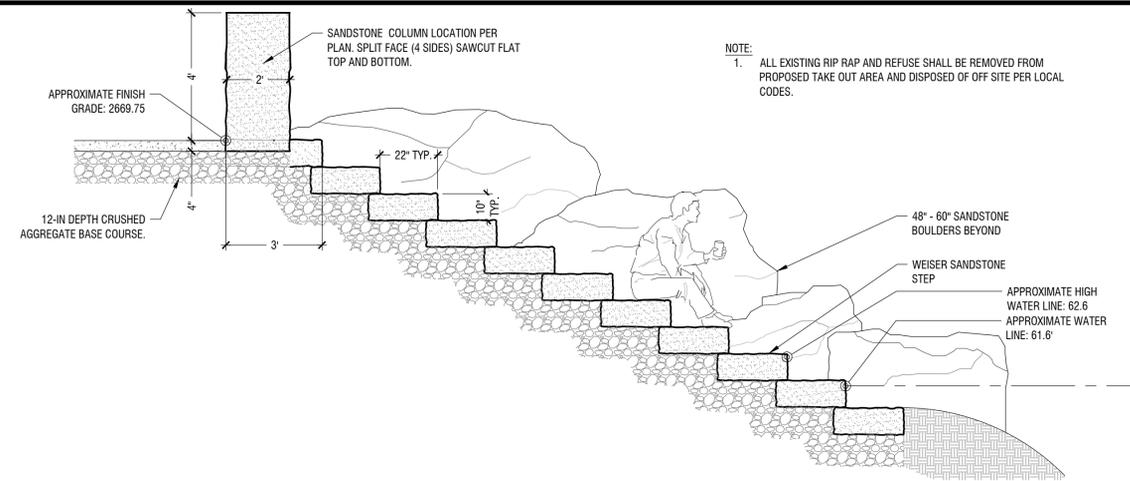
Chairman, Planning and Zoning Commission

Date

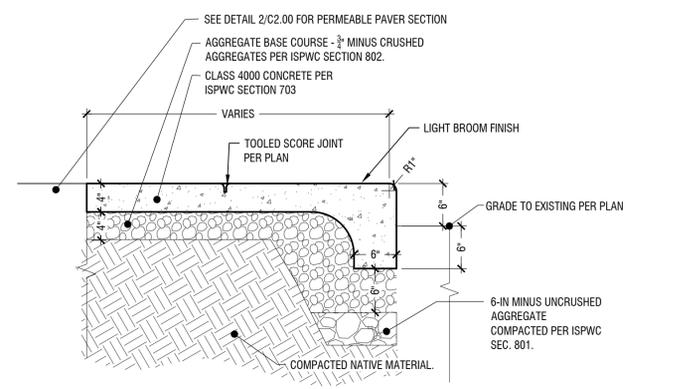
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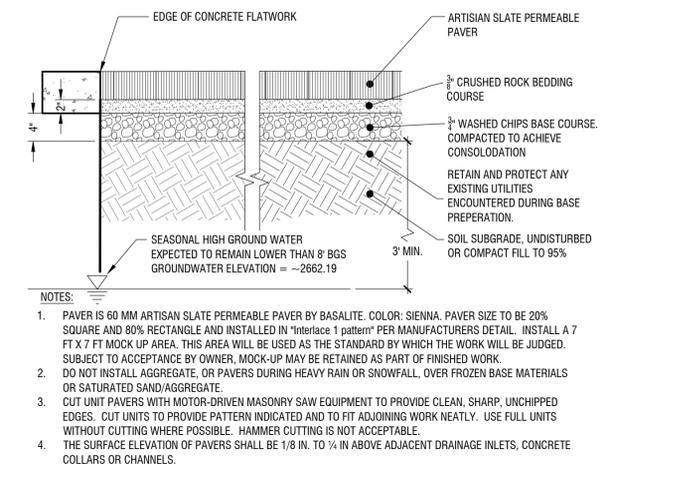
1 River Access Section
Scale: 3/8"=1"



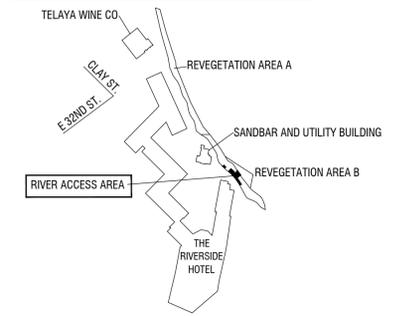
2 Thickened Edge Sidewalk
Scale: NTS



3 Permeable Pavers
Scale: 1" = 1"



Key Plan



Layout and Materials Plan

HORIZONTAL SCALE: 1" = 10'

Sheet Notes:

1. ALL EXISTING TREES TO REMAIN.
2. PROPERTY LINE FROM ALTA BY KESTREL LAND SURVEYING DATED APRIL 18, 2014.
3. CONFORM TO ALL NOTES ON THE COVER SHEET C0.00.

Utility Keynotes:

401. INSTALL FREEZE RESISTANT CONTROL AND GATE VALVE. INSTALL BELOW FROST LEVEL WITH TRAFFIC RATED CONCRETE VALVE BOX LEVEL WITH FINISH GRADE AND CONCRETE BLOCK SUPPORTS BELOW.
402. INSTALL 1" WATER SERVICE CONNECTION TO SERVICE BEING INSTALLED FOR THE SANDBAR EXPANSION. CONFORM TO ALL NOTES ON THE COVER SHEET C0.00.
403. CLEAN SAWCUT ON EXISTING CONCRETE FOR WATER SERVICE INSTALLATION. REPAIR SAWCUT CONCRETE. MATCH GREENBELT SECTION.

Keynotes:

1. INSTALL ARTISAN SLATE PERMEABLE PAVERS BY BASALITE. COLOR: SIENNA. PAVERS TO BE 20% SQUARE AND 80% RECTANGULAR AND INSTALLED IN "INTERLACE 1 PATTERN" PER MANUFACTURER'S DETAIL. INSTALL PERMEABLE PAVEMENT DRAINAGE SECTION PER DETAIL 3/C2.00. CONTAIN WITH EXISTING CONCRETE AND PROPOSED CONCRETE. MATCH EXISTING SANDBAR PATIO PAVERS. DESIGN ENGINEER MUST PERFORM CONSTRUCTION OBSERVATIONS FOR THE STORM DRAIN SYSTEM. CONTACT DESIGN ENGINEER WITH AT LEAST 24 HOURS OF NOTICE FOR INSPECTION.
2. INSTALL THICKENED EDGE CONCRETE FLATWORK PER DETAIL 2/C2.00. THICKENED EDGE WILL BE ON ALL SIDES EXCEPT WHERE ADJACENT TO PROPOSED PERMEABLE PAVERS.
3. INSTALL CUSTOM BICYCLE RACKS. COORDINATE WITH OWNER.
4. INSTALL PADDLE BOARD RACKS. COORDINATE WITH OWNER. INSTALL PER MANUFACTURER'S SPECIFICATIONS.
5. INSTALL DRAINAGE WINDOW TO FREE DRAINING MATERIAL. BACKFILL WITH 2" CRUSHED STONE WITH NON-WOVEN GEOTEXTILE ON TOP AND SIDES. HIGHEST 10" SHOULD BE COMPACTED BACKFILL SOIL COVERED WITH SOD.
6. INSTALL COMMUNITY/PUBLIC USE DRINKING FOUNTAIN AND BOTTLE FILLING STATION MODEL 10155 SM BY MOST DEPENDABLE FOUNTAINS, INC. SURFACE MOUNT AND INSTALL PER MANUFACTURER'S SPECIFICATIONS. CONCRETE PAD MUST BE CONSTRUCTED PER THE DIMENSIONS SHOWN FOR ADA ACCESSIBILITY COMPLIANCE.

Revisions

Riverside Hotel
Riverbank Access and Revegetation
Layout and Materials Plan
Construction Documents

Project Name: 2900 E Chinden Boulevard
Boise, ID

Sheet Title: THE LAND GROUP INCORPORATED
462 East Shore Drive, Suite 100
Boise, Idaho 83716
Ph. 208.939.4041 Fax. 208.939.4445
www.thelandgroupinc.com

NOT FOR CONSTRUCTION

Project No.: 115154
Date of Issuance: 8.2.2016
Designed by: SC/SR
Checked by: JD
Sheet No.: **C2.00**



CONDITIONAL USE PERMIT

Permit info: CUFV 2011-8

Application Date: 7.14.11 Rec'd by: kg

FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921 (tel.)
208.472.2926 (FAX) ▪ www.gardencityidaho.govoffice.com

APPLICANT

Name: The Land Group, Inc; Tamara Thompson

PROPERTY AND DESIGN INFORMATION

Site address: 2900 W. Chinden Blvd

Describe the proposed use.

ACOE approved Boise River access; install bicycle racks, Paddle board racks, water fountain on river side of greenbelt.

Check any that are applicable to this application: If any boxes are checked, attach the Design Review Application	<input type="checkbox"/>	I will build a new structure
	<input type="checkbox"/>	I will add 25% or more to the floor area of an existing building
	<input type="checkbox"/>	I will alter, replace rehabilitate or restore 25% or more of a store façade.

How is the use appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district?

The proposed will compliment the existing recreational activities along the greenbelt providing a place to park bikes and paddle boards and public amenities.

Is the use supported by adequate public facilities or services such as water/sewer, schools, roads, parks, transit, fire protection and police protection?

There are adequate public facilities to support the request.

How does the use affect the health, safety or welfare of the community?

The proposed will not adversely affect the health, safety or welfare of the community.

How does the use support the goals of the Comprehensive Plan?

Supports objective 3.2 by creating a public gathering place and objective 5.5 by focusing on more accessibility to the Boise River and greenbelt.

How far is the proposed use from a pedestrian/bicycle pathway?

The proposed is immediately adjacent to an existing pedestrian/bicycle pathway.

APPLICATION INFORMATION REQUIRED(PLEASE CHECK)

NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED UNDER ANY CIRCUMSTANCES.

- | | |
|--|--|
| <input checked="" type="checkbox"/> Planning Submittal Form | <input checked="" type="checkbox"/> Compliance Statement |
| <input checked="" type="checkbox"/> Fifteen (15) Neighborhood Map | <input type="checkbox"/> Traffic/Parking Analysis (including references) |
| <input checked="" type="checkbox"/> Ten (10) 11" x 17" Site Plan | |
| <input checked="" type="checkbox"/> Five (5) 24" x 36" Site Plan | |
| <input checked="" type="checkbox"/> Statement of Intent | |
| <input type="checkbox"/> Irrigation/Ditch Company Information Form | |
| <input checked="" type="checkbox"/> Photos of site | |
| <input checked="" type="checkbox"/> Neighborhood Meeting Verification | |
| <input checked="" type="checkbox"/> Affidavit of Legal Interest | |
| <input type="checkbox"/> Affidavit of Posting and Photo (required 7 days prior to the hearing) | |
| <input type="checkbox"/> Ability to Serve Letter | |

INFORMATION REQUIRED ON NEIGHBORHOOD MAP (PLEASE CHECK):

- 8 ½" x 11" size minimum
- Location of contiguous lots and lot(s) immediately across from any public or private street, building envelopes and/or existing buildings and structures at a scale not less than one inch equals one hundred feet (1" = 100')
- Impact of the proposed siting on existing buildings, structures, and/or building envelopes

INFORMATION REQUIRED ON COMPLIANCE STATEMENT (PLEASE CHECK):

- Statement explaining how the proposed use(s) is compliant with the standards of review for the proposed application. Cite the ordinances the proposed use(s) is compliant with.

INFORMATION REQUIRED FOR IRRIGATION/DITCH INFORMATION FORM (PLEASE CHECK):

- Required if irrigation canal/irrigation ditch runs through property or along property lines

INFORMATION FOR STATEMENT OF INTENT(PLEASE CHECK):

- Should include purpose, scope, and intent of project

- Information concerning noxious uses, noise, vibration, and any other aspects of the use or structure that may impact adjacent properties or the surrounding community

INFORMATION REQUIRED ON SITE PLAN(PLEASE CHECK):

- Scale not less than 1" = 20'), legend, and north arrow.
- Property boundary, dimensions, setbacks and parcel size.
- Location of the proposed building, improvement, sign, fence or other structure, and the relationship to the platted building envelope and/or building zone
- Building envelope dimensions with the center of the envelope location established in relation to the property lines
- Adjacent public and private street right of way lines
- Total square footage of all proposed structures calculated for each floor. If the application is for an addition or alteration to an existing building or structure, then the new or altered portions shall be clearly indicated on the plans and the square footage of new or altered portion and the existing building shall be included in the calculations
- For uses classified as drive-through, the site plan shall demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties as required in Section 8-2C-13 of Title 8.

INFORMATION FOR NEIGHBORHOOD MEETING VERIFICATION (PLEASE CHECK):

- Copy of notice sent to property owners within 300' of an applicable property
- List of notice recipients with names and addresses
- Sign-up sheet from meeting

ALL BLUEPRINTS MUST BE FOLDED INTO 8^{1/2}" X 11" SIZE WITH THE TITLE BLOCK/PANEL FACE UP SO AS TO FIT WITHIN A LEGAL SIZE FILE FOLDER.



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GARDEN CITY
DEVELOPMENT SERVICES

July 8, 2016

Jenah Thornborrow
Development Services
City of Garden City
6015 Glenwood Street
Garden City, ID 83714

Re: Riverside Hotel – Riverbank access and restoration

Dear Jenah,

We are pleased to present applications for Conditional Use Permit and Floodplain/Floodway for the above referenced project.

The purpose of the project is to provide access and amenities to and along the Boise River at the Riverside Hotel for recreational pursuits. The project proposes to install bicycle racks, paddle board racks, and a water fountain on the river side of the greenbelt. It also proposes to remove a portion of the existing riprap blanket on the west bank of the Boise River and replace it with a slab sandstone/boulder stairway. No wetlands will be impacted from this project.

The project has received U.S. Army Corps of Engineers approval. Please see letter attached.

The proposed project will not impact existing buildings or structures. It will not adversely affect the health, safety or welfare of the community. It supports objective 3.2 of the City's comprehensive plan by creating a gathering place and objective 5.5 by focusing on more accessibility to the Boise River and greenbelt.

Thank you in advance for your consideration.

Sincerely,

Tamara Thompson
Director of Client Services

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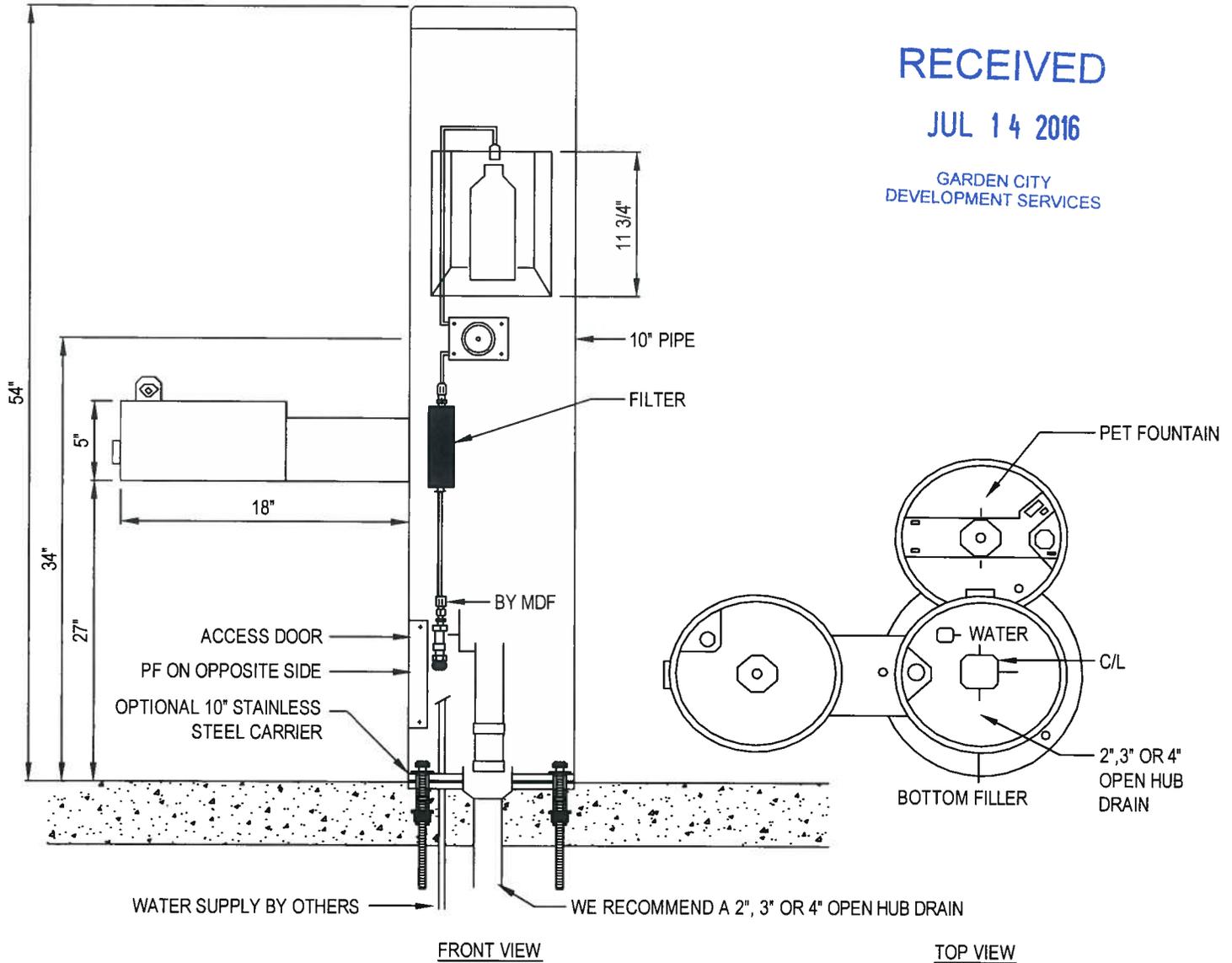


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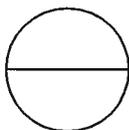
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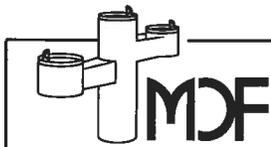
NOTES:

1. OPTIONAL STAINLESS STEEL SURFACE CARRIER RECOMMENDED.
2. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
3. DO NOT SCALE DRAWING.
4. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.
5. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.
6. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info AND ENTER REFERENCE NUMBER 3354-17.7.



MODEL 10155SM

10155SM SHOWN WITH OPTIONAL 10" SS SURFACE CARRIER



PEDESTAL BOTTLE FILLER SPECIFICATIONS

WATER QUALITY (LEAD FREE)

Section 9, California Proposition 6 and the Federal Safe Drinking Water Act. One piece weld construction with MDF standard 3/16" wall thickness.

■ STANDARD PEDESTAL

OR

■ STAINLESS STEEL PEDESTAL

One piece weld construction with MDF standard 304 schedule 10 stainless steel.

RECEPTOR BOWL

18 gauge electro-polished stainless steel bowl. Bowl overlaps pedestal, preventing buildup of residue in visual drinking area. Optional stainless steel Bowl Strainer recommended for areas with sand. Not applicable on Model 10125 SMSS.

BOTTLE FILLER SPOUT

Sanitary recessed nozzle.

BUBBLER HEAD

Stainless steel anti-squirt head (weighing a pound and a half) mounted with a lock nut and washer to prevent tampering. Lock nut pin holds bubbler in locked position to prevent twisting or turning. The MDF bubbler head has a unique design that features a steady stream trajectory and a built in natural shield from contamination.

PUSH BAR

304 stainless steel with circumference exceeding 8.6". Mushroom style push bar overlaps and prevents sand and other objects from sticking push bar in the ON position. Stainless steel bubbler housing standard.

CONTROL VALVE

Requires less than 5 lbs to operate. Non-cartridge O-ring valve delivers steady stream of water through an adjustable valve. This valve design is to operate and function at 30 to 80 PSI. Ideal operating pressure is 60 PSI.

WATER SUPPLY (LEAD FREE)

Maintenance free reinforced nylobraid tubing that is NSF-61 certified. **This tubing is not plastic.** It is supplied with a 1/2" MIP threaded inlet with stainless steel strainer. Union fittings at every connection. Supply line stops above grade. Water Filter is standard on this model.

DRAIN

1 1/2" schedule 40 PVC pipe. Drain line stops above grade.

FINISH

Oven baked powder coat. Choice of colors are: green, blue, black, red, yellow, orange, brown and white. Textured color choices: emerald, sapphire, pyrite, text-black, burgundy, gold vein, copper and sandstone. Stainless steel models are powder coated for added protection. The color chrome is available for stainless steel models only.

INSTALLATION

Surface Mount installation, is designed to be anchored on top of an existing surface (concrete, etc.) with anchor bolts through a mounting plate that is welded to the fountain. Surface Mount Fountains provide an access door with vandal resistant stainless steel screws. Surface mount carrier recommended for all surface mount installations. Access door standard on all pedestal fountains.

WINTERIZATION

Shut off water and drain down. Remove water filter.

WARRANTY

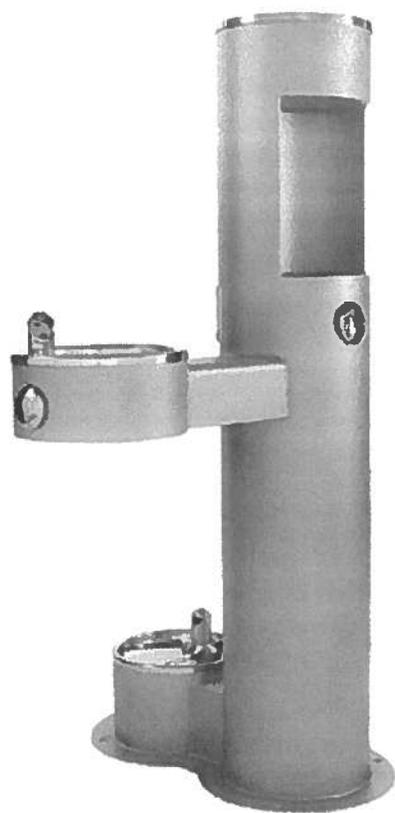
One year warranty, labor not included.

SHIPPING WEIGHT

Model 10125 SM.....110 lbs	Model 10125 SMSS..... 100 lbs	Model 10890 SM..... 150 lbs
Model 10135 SM.....150 lbs	Model 10135 SMSS..... 150 lbs	Model 10890 SMSS... 140 lbs
Model 10145 SM.... 245 lbs	Model 10145 SMSS..... 235 lbs	Model 10895 SM..... 200 lbs
Model 10150 SM.... 245 lbs	Model 10150 SMSS..... 235 lbs	Model 10895 SMSS... 190 lbs
Model 10155 SM.... 195 lbs	Model 10155 SMSS..... 185 lbs	

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Riverside river access and restoration

River access location, looking upstream



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River access location – looking downstream



Existing bike racks:



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NEIGHBORHOOD MEETING ATTENDANCE RECORD

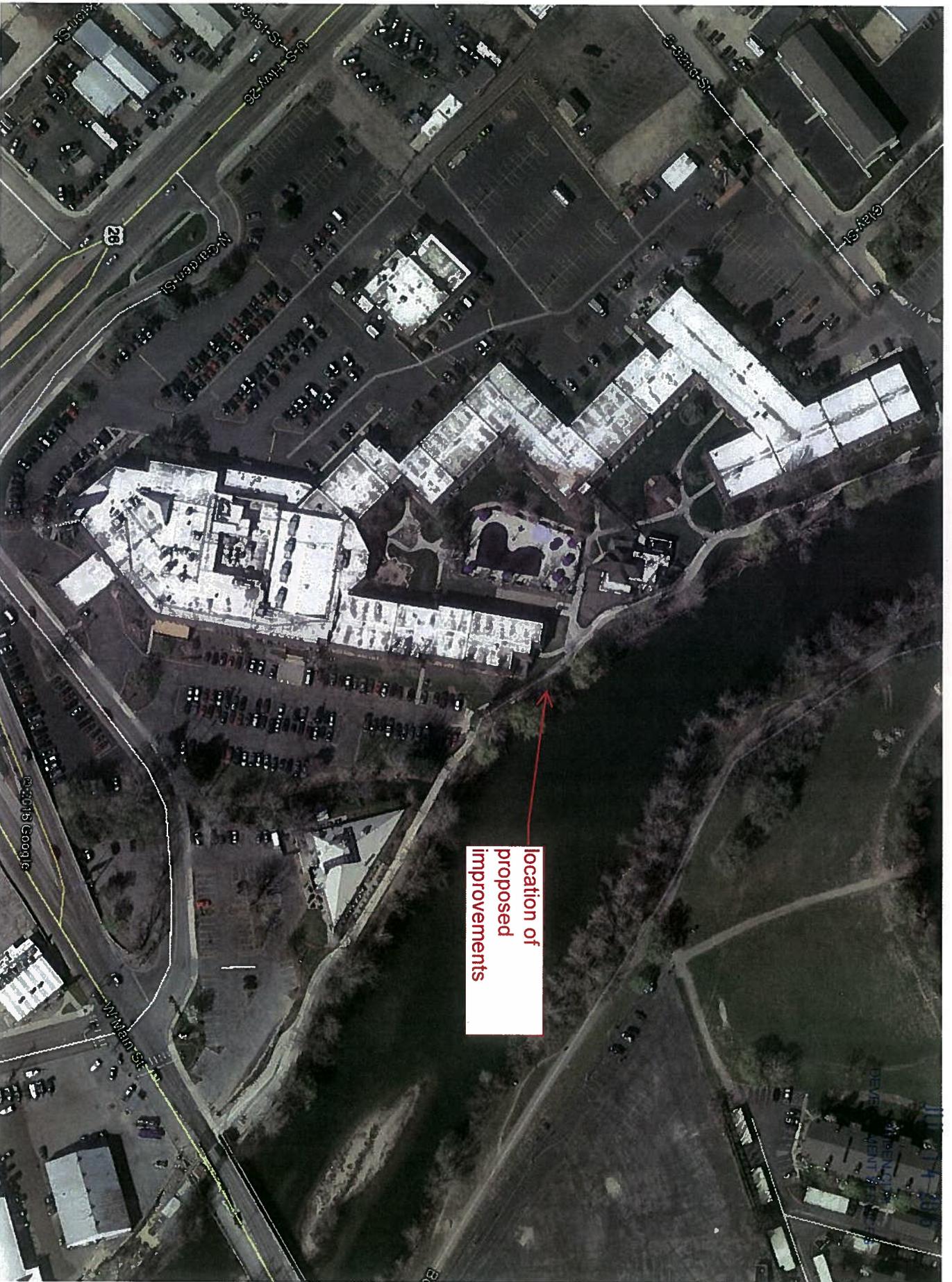
Project: Riverside Hotel Riverbank Access and Restoration | PN: 115154

Meeting Date, Time & Location: July 8, 2016, 5:30PM; Riverside Hotel, Garnet Room

Print Name	Address	Email/Phone
Tamara Thompson	462 E. Shore Dr. Ste 100 Eagle, ID 83616	tamara@thelandgroupinc.com
Phil Hall		
Mary Linder & David Brandt	215 E 33rd St barbu st	Mary Linder on sn.com
Lou Landry	211 E. 33rd. "	lou.landry@cablenet.net
Mari Brandstrom	3895 Reed St G.C. Id	ms.mari@gmail.com
Colleen Stambough	3908 Reed St G. City	514-8402

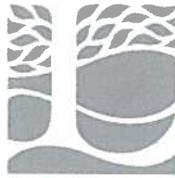
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location of
proposed
improvements

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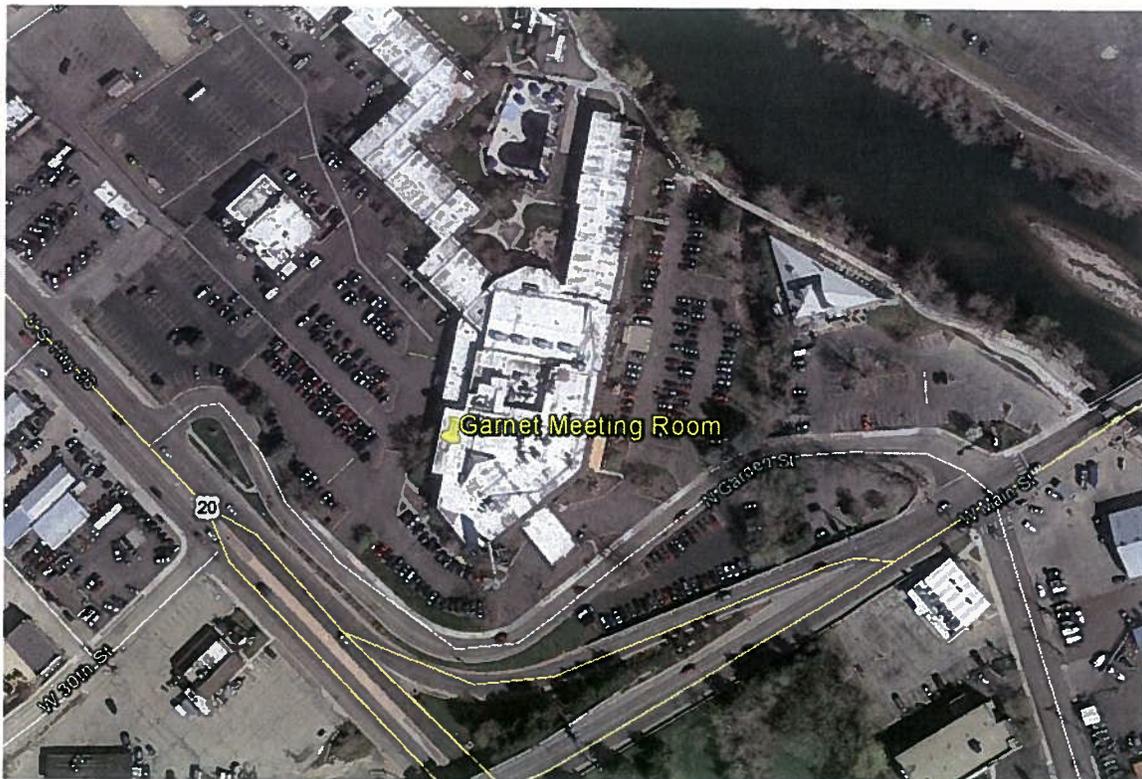
GARDEN CITY
DEVELOPMENT SERVICES

June 28, 2016

RE: Riverside Hotel – 2900 W. Chinden Blvd.

Dear Neighbor:

The Land Group, Inc. is committed to keeping you and your neighbors informed regarding our project which is located at the above referenced address. To achieve this goal, we will hold a drop-in neighborhood meeting on **Friday, July 8, 2016 from 5:30 – 6:00 PM at the Riverside Hotel in the Garnet meeting room**, located west of the main lobby.



We propose to file a conditional use permit application with the City of Garden City to provide Boise River access and takeout; paddleboard and bike racks; and a drinking fountain on the river side of the greenbelt.

The meeting will be designed to discuss the specifics of the project and address any questions that you may have. We look forward to your participation and support. Please note, this is an informational meeting, not a public hearing.

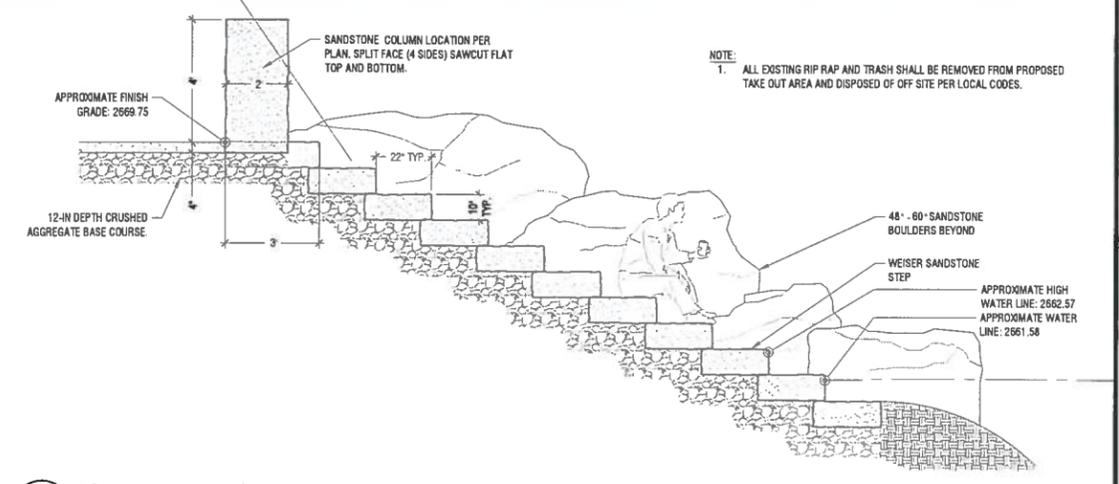
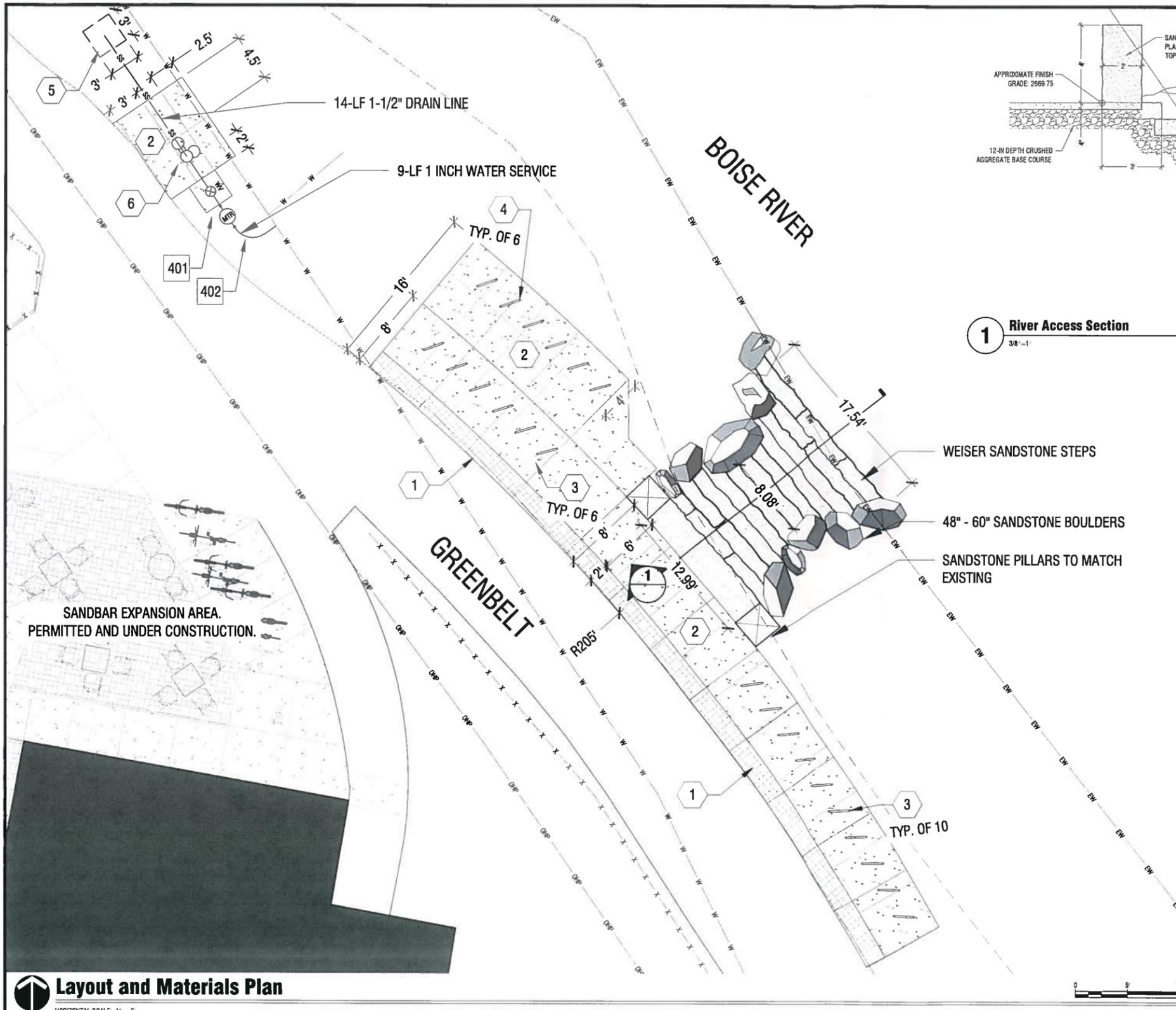
If you have any questions, please feel free to contact Tamara Thompson at 208-939-4041 or tamara@thelandgroupinc.com.

Parcel	Primary Owner	Property Address	Property City	Owner Address	Owner City	Total Value	Acres	Legal 1	Legal 2	Zoning
R2734530571	VANDERFORD ABBY J TRUST	3001 W CHINDEN BLVD	IGARDEN CITY, ID 83714-0000	538 NW 19TH ST	ONTARIO, OR 97194-0000	183400	0.34	LOTS 1 & 2	FAIRVIEW, C-1	
R2734530710	ELG HAALD G	3001 W CHINDEN BLVD	IGARDEN CITY, ID 83714-0000	60 SUNRISE DR	GARDEN VALLEY, ID 83672-0000	118800	0.34	LOTS 1/2 B	FAIRVIEW, C-1	
R2734541630	RENE ROBERTA	209 E 33RD ST	IGARDEN CITY, ID 83714-0000	2212 N HEIGHTS DR	BOISE, ID 83702-2830	69100	0.17	LOT 30	BLK FAIRVIEW, C-2	
R2734541652	DOAN LONG T	203 E 33RD ST	IGARDEN CITY, ID 83714-0000	7319 W ASHLAND ST	BOISE, ID 83709-0000	539200	0.26	LOT 33 & 5	FAIRVIEW, C-2	
R2734541670	STAMBAUGH COLEEN	201 E 33RD ST	IGARDEN CITY, ID 83714-0000	3908 REED ST	GARDEN CITY, ID 83714-0000	60600	0.17	LOT 34	BLK FAIRVIEW, C-2	
R2734541751	SCOTT JOSEPH B	114 E 32ND ST	IGARDEN CITY, ID 83714-0000	501 E BAYBROOK CT	BOISE, ID 83705-0000	47400	0.34	LOTS 8/9 B	FAIRVIEW, C-2	
R2734541840	JOHNSON RUSSELL REVOCABLE LIVING TRUST	109 E 33RD ST	IGARDEN CITY, ID 83714-0000	11108 W MEADA LN	BOISE, ID 83709-1242	48400	0.34	LOTS 29/31	FAIRVIEW, C-2	
R2734541990	RIVERSIDE HOSPITALITY LLC	2900 W CHINDEN BLVD	IGARDEN CITY, ID 83714-0000	PO BOX 8506	BOISE, ID 83707-0000	9121500	13.52	PAR #1983	BLK PT OF C-1	
R2734542745	YELLOWWATER DEVELOPMENT	2301 N GARDEN ST	IGARDEN CITY, ID 83714-0000	2900 W CHINDEN BLVD	GARDEN CITY, ID 83714-0000	74900	0.21	PAR#2745	BLK 42	C-1
R2734530810	YELLOWWATER DEVELOPMENT	107 W 31ST ST	IGARDEN CITY, ID 83714-0000	10805 NESBITT LN	OLA, ID 83657-0000	24100	0.17	LOT 31	BLK FAIRVIEW, C-2	
R2734530850	ROSS LAWRENCE A	2943 W CHINDEN BLVD	IGARDEN CITY, ID 83714-0000	1412 W IDAHO ST STE 110	BOISE, ID 83702-0000	456700	1.34	LOTS 1-16	TO STATE I-C-1	
R2734541570	THURAS LLC	240 E 32ND ST	IGARDEN CITY, ID 83714-0000	PO BOX 8506	BOISE, ID 83707-0000	1586400	0.86	LOTS 2-6 B	FAIRVIEW, C-2	
R2734541771	SCOTT JOSEPH B	120 E 32ND ST	IGARDEN CITY, ID 83714-0000	501 E BAYBROOK CT	BOISE, ID 83705-0000	608900	0.37	LOTS 10/11	FAIRVIEW, C-2	
R2734541890	JOHNSON RUSSELL REVOCABLE LIVING TRUST	113 E 33RD ST	IGARDEN CITY, ID 83714-0000	11108 W MEADA LN	BOISE, ID 83709-1242	162300	0.17	LOT 28	BLK FAIRVIEW, C-2	
R2734541900	THOMAS DON & MARY FAMILY TRUST	3100 W CHINDEN BLVD	IGARDEN CITY, ID 83714-0000	10230 W CAYUSE LN	BOISE, ID 83714-9719	221900	0.51	LOTS 1 TO	FAIRVIEW, C-1	
R2734542050	RIVER CITY ANNEX LLC	113 E 32ND ST	IGARDEN CITY, ID 83714-0000	2120 E LANARK ST	MERIDIAN, ID 83642-0000	59200	0.17	LOT 28	BLK FAIRVIEW, C-1	
R2734530587	YELLOWWATER DEVELOPMENT	104 W 31ST ST	IGARDEN CITY, ID 83714-0000	10805 NESBITT LN	OLA, ID 83657-0000	151900	0.12	NERLV 34'	FAIRVIEW, C-2	
R2734530640	KISSLER ENTERPRISES L P	3131 W CHINDEN BLVD	IGARDEN CITY, ID 83714-0000	1591 SENDERO LN	BOISE, ID 83712-0000	529300	0.68	LOTS 3-32	FAIRVIEW, C-1	
R2734530735	BRUNEL FRANK C	3033 W CHINDEN BLVD	IGARDEN CITY, ID 83714-0000	7704 FOOTHILL RD	MIDDLETON, ID 83644-0000	480700	0.52	PAR #0735	32 & 33	BL-C-1
R2734530752	KI9 LLC	106 W 30TH ST	IGARDEN CITY, ID 83714-0000	PO BOX 2593	GARDEN CITY, ID 83714-0000	151100	0.17	LOT 34	BLK FAIRVIEW, C-1	
R2734530840	HOLEMANS BART	3041 W CHINDEN BLVD	IGARDEN CITY, ID 83714-0000	4850 LAKEVIEW PL	GARDEN CITY, ID 83714-0000	64400	0.17	LOT 1	BLK FAIRVIEW, C-2	
R2734541540	ZUBIZARETA PROPERTIES LP	200 E 32ND ST	IGARDEN CITY, ID 83714-0000	5903 W HILL RD	BOISE, ID 83703-0000	196800	0.31	LOTS 27/28	FAIRVIEW, I-M	
R2734541600	BRANDT DAVID	215 E 33RD ST	IGARDEN CITY, ID 83714-0000	215 E 33RD ST	GARDEN CITY, ID 83714-0000	539200	0.26	LOT 31 & A	FAIRVIEW, C-2	
R2734541642	DOAN LONG T	207 E 33RD ST	IGARDEN CITY, ID 83714-0000	7319 W ASHLAND ST	BOISE, ID 83709-0000	212200	0.17	LOT 1, 2 &	FAIRVIEW, C-1	
R2734541710	DURHAM J DALE	3200 W CHINDEN BLVD	IGARDEN CITY, ID 83714-0000	3200 W CHINDEN BLVD	GARDEN CITY, ID 83714-6635	155500	0.34	LOTS 1, 2 &	FAIRVIEW, C-1	
R2734541810	TOMPKINS RICHARD A &	108 E 32ND ST	IGARDEN CITY, ID 83714-0000	107 E 33RD ST	BOISE, ID 83714-6614	24100	0.17	LOT 4	BLK FAIRVIEW, C-2	
R2734541720	TUCKER BRENT L	112 E 32ND ST	IGARDEN CITY, ID 83714-0000	112 E 32ND ST	GARDEN CITY, ID 83714-6607	70600	0.17	LOT 7	BLK FAIRVIEW, C-2	
R2734541740	TUCKER BRENT L	108 E 32ND ST	IGARDEN CITY, ID 83714-0000	112 E 32ND ST	BOISE, ID 83702-0000	87600	0.34	LOTS 5/6/2	FAIRVIEW, C-2	
R2734542060	RIVER CITY ANNEX LLC	109 E 32ND ST	IGARDEN CITY, ID 83714-0000	2120 E LANARK ST	MERIDIAN, ID 83642-0000	177700	0.51	LOTS 29/30	BLK 38	C-1
R2734542735	RIVERSIDE HOSPITALITY LLC	2315 N GARDEN ST	IGARDEN CITY, ID 83714-0000	2900 W CHINDEN BLVD	GARDEN CITY, ID 83714-0000	65200	0.17	LOT 29	BLK FAIRVIEW, C-2	
R2734541620	LANDRY LOUIS E	211 E 33RD ST	IGARDEN CITY, ID 83714-0000	211 E 33RD ST	GARDEN CITY, ID 83714-0000	188500	0.17	LOT 28	BLK FAIRVIEW, C-2	
R2734541790	SCOTT J B	121 E 33RD ST	IGARDEN CITY, ID 83714-0000	501 E BAYBROOK CT	BOISE, ID 83705-0000	24100	0.17	LOT 24	BLK FAIRVIEW, C-2	
R2734541800	TOMPKINS RICHARD A	119 E 33RD ST	IGARDEN CITY, ID 83714-0000	501 E BAYBROOK CT	BOISE, ID 83705-0000	24100	0.17	LOT 24	BLK FAIRVIEW, C-2	
R2734542100	RIVER CITY ANNEX LLC	107 E 33RD ST	IGARDEN CITY, ID 83714-0000	107 E 33RD ST	GARDEN CITY, ID 83714-6614	153900	0.17	LOT 31	BLK FAIRVIEW, C-2	
S1004336125	CITY OF BOISE	3132 W CHINDEN BLVD	IGARDEN CITY, ID 83714-0000	2120 E LANARK ST	MERIDIAN, ID 83642-0000	256100	0	1.13	PAR #6125	SEC 4 3N 2 C-5DD
S1004336450	OREGON TRAIL LANDMARK LLC	2289 N GARDEN ST	BOISE, ID 83706-0000	619 S AMERICANA BLVD	BOISE, ID 83702-6732	87100	0	0.25	PAR #6450	SEC 4 3N 2 C-2
S1004336415	OREGON TRAIL LANDMARK LLC	2288 N GARDEN ST	BOISE, ID 83702-0000	619 S AMERICANA BLVD	BOISE, ID 83702-6732	1312600	2.22	PAR #6415	SEC 4 3N 2 C-2	
S1004336506	OREGON TRAIL LANDMARK LLC	2197 N GARDEN ST	BOISE, ID 83706-0000	619 S AMERICANA BLVD	BOISE, ID 83702-6732	442200	0.97	PAR #6506	SEC 4 3N 2 C-2D	
S1004332555	CITY OF BOISE	625 N WHITEWATER PARK BLVD	BOISE, ID 83702-0000	PO BOX 500	BOISE, ID 83701-0000	0	0	70.88	PAR #5655	SEC 05 :A-A-1
S1004336420	CITY OF BOISE	2290 N GARDEN ST	BOISE, ID 83706-0000	PO BOX 500	BOISE, ID 83701-0000	0	0	0.35	PAR #6420	SEC 4 3N 2 A-1

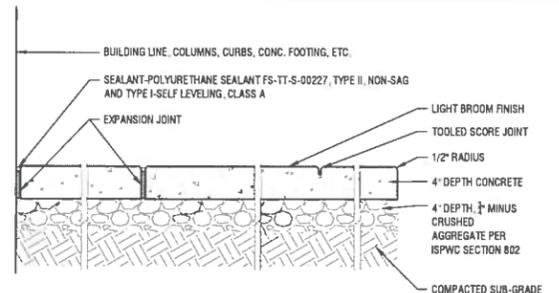
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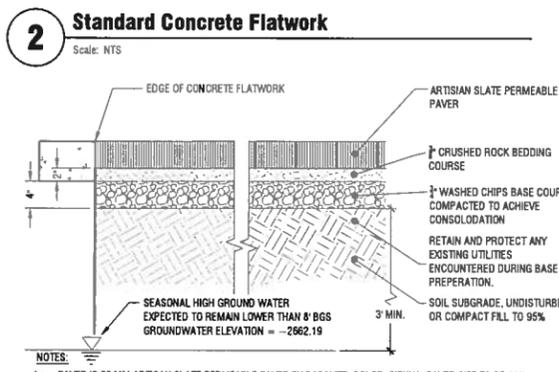
GARDEN CITY
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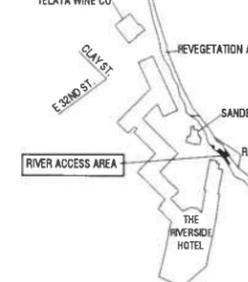
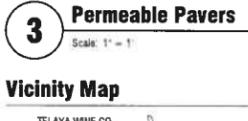
1 River Access Section
Scale: 3/8" = 1'



2 Standard Concrete Flatwork
Scale: NTS



3 Permeable Pavers
Scale: 1" = 1'



- Sheet Notes:**
- ALL EXISTING TREES TO REMAIN
- Utility Keynotes:**
- 401. INSTALL FREEZE RESISTANT CONTROL AND GATE VALVE. INSTALL BELOW FROST LEVEL WITH VEHICULAR STRENGTH CONCRETE VALVE BOX LEVEL WITH FINISH GRADE AND CONCRETE BLOCK SUPPORTS BELOW.
 - 402. INSTALL 1" WATER SERVICE CONNECTION WITH WATER METER PER ISFWC SD-401.

- Keynotes:**
- NEW ARTISAN SLATE PERMEABLE PAVERS BY BASALITE. COLOR: SIENNA. PAVERS TO BE 20% SQUARE AND 80% RECTANGULAR AND INSTALLED IN "INTERLACE 1 PATTERN" PER MANUFACTURERS DETAIL. INSTALL PERMEABLE PAVEMENT DRAINAGE SECTION PER DETAIL 3/2.51. CONTAIN WITH EXISTING CONCRETE AND PROPOSED CONCRETE. MATCH EXISTING SANDBAR PATIO PAVERS. DESIGN ENGINEER MUST PERFORM CONSTRUCTION OBSERVATIONS FOR THE STORM DRAIN SYSTEM. CONTACT DESIGN ENGINEER WITH AT LEAST 24 HOURS OF NOTICE FOR INSPECTION.
 - INSTALL STANDARD CONCRETE PER DETAIL 2/C2.51.
 - INSTALL CUSTOM BICYCLE RACKS. COORDINATE WITH OWNER.
 - INSTALL PADDLE BOARD RACKS. COORDINATE WITH OWNER. INSTALL PER MANUFACTURERS SPECIFICATIONS.
 - INSTALL DRAINAGE WINDOW TO FREE DRAINING MATERIAL. BACKFILL WITH 2" CRUSHED STONE. HIGHEST 10" SHOULD BE COMPACTED BACKFILL SOIL COVERED WITH SOD. LINE DRAINAGE WINDOW ON THE TOP AND SIDES WITH AASHTO CLASS 2 NON-WOVEN GEOTEXTILE.
 - INSTALL COMMUNITY/PUBLIC USE DRINKING FOUNTAIN AND BOTTLE FILLING STATION MODEL 10155 SM BY MOST DEPENDABLE FOUNTAINS, INC. SURFACE MOUNT AND INSTALL PER MANUFACTURERS SPECIFICATIONS. CONCRETE PAD MUST BE CONSTRUCTED PER THE DIMENSIONS SHOWN FOR ADA ACCESSIBILITY COMPLIANCE.

DATE	DESCRIPTION

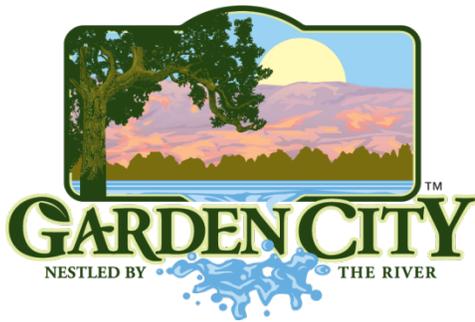
Riverside Hotel
Riverbank Access and Revegetation
Boise, ID
2900 E Chinden Boulevard

Layout and Materials Plan
CU and Floodplain Submittal



Project No.:	115154
Date of issuance:	7.8.2016
Designed by:	BCSR
Checked by:	JG
Sheet No.:	G2.00

RECEIVED
JUL 14 2016
GARDEN CITY
DEVELOPMENT SERVICES



CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

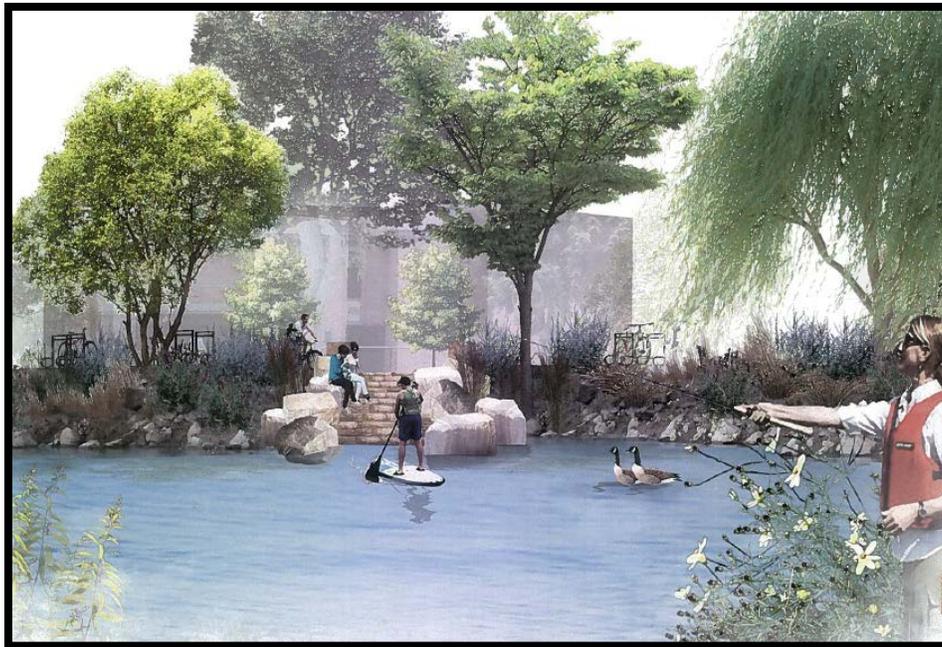
CUPFY2016-8: Conditional Use Permit

For:

Public Access to the Boise River

Located adjacent to 2900 Chinden Boulevard, Garden City, Idaho

Tamara Thompson with the Land Group on behalf of the Riverside Hospitality LLC (Riverside Hotel)



Staff Contact: Jenah Thornborrow (208) 472-2921; planning@gardencityidaho.org

*City of Garden City
Staff Report*

Recommendation: Approval as conditioned

Project Description:

Garden City Planning and Zoning Commission Public Hearing Date: August 17, 2016, at 6:30 p.m.

Garden City Council Public Hearing Date: September 12, 2016, at 6:00 p.m.

Application File Number: CUPFY2016-8

Applicant: Tamara Thompson with the Land Group on behalf of the Riverside Hospitality LLC (Riverside Hotel)

Location: Roughly 800' lineal feet of un-platted public property riverside of and adjacent to 2900 Chinden Boulevard (Parcel 1983 of Blocks 36-38-41 INC, Vacated Parts of Streets and Alley, Fairview Acres Subdivision No. 5; Ada County Parcel R2734541990) along the west bank of the Boise River, including approximately 18' of encroachment into the Boise River. The property line is roughly delineated in yellow below.



Requested Use: 'Public Use' for an improved access to the Boise River, bicycle racks, paddleboard racks, and a drinking fountain.

Improvements in the Riparian Area as defined by Garden City Code require conditional use permit approval from the Planning and Zoning Commission and the City Council.

Project Synopsis:

This application is requesting access to the river, and is not located on the Riverside Hotel owned property. This application has been processed as a request for the Garden City Code defined use 'Public Use' for public access to the Boise River for recreational purposes. This application has not been processed as an expansion of the Garden City Code defined use 'Lodging'.

The applicant has indicated that the intent of the project is to provide access and public amenities to and along the Boise River adjacent to the Riverside Hotel for recreational pursuits.

The project proposes to install 16 bicycle racks, 7 paddle board racks on a standard concrete slab lined with permeable pavers that is roughly 75' lineal feet along the greenbelt ranging 8'-16' in width. At the midpoint of the bike and paddleboard racks there is a proposal for to remove a portion of the existing riprap blanket on the west bank of the Boise River and replace it with a 17.5' sandstone slab /48"-60" tall boulder stairway access to the Boise River. Additionally, the proposal intends on installing a drinking fountain/ bottle filling station on a 9' concrete slab. All proposed work is on the river side of the greenbelt (publically owned property). Finally there are two re-vegetation areas proposed that span approximately 180 lineal feet.

The applicant has indicated that no wetlands will be impacted from this project. The project has received U.S. Army Corps of Engineers approval.

The applicant is not proposing to dedicate any public vehicular parking.

Existing Conditions:

- The subject property is outside of a platted parcel.
- The does not have a zoning designation. It is adjacent to the Boise River and C-1 Zoned property.
- The project is located in the Live Work Create, and TOD node land use designations of the Comprehensive Plan.
- Flood Plain Designation: Partially in river channel
- Existing Use: Boise River
- Surrounding Uses: Boise River, Hotel
- Easements on file with Garden City
15' Waterline

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

Standards	Staff Analysis
8-7A-1 Definitions of Uses	
8-7A-2 Definitions of Terms	
8-2B-2 Allowed Uses	Property not zoned
8-3B-5-7: Riparian Zone	Compliant as conditioned
Title 8 Article E. Transportation and Connectivity	Compliant as conditioned
Comprehensive Plan Analysis	Compliant
Comments from Other Departments and Agencies	Compliant as conditioned

GCC 8-6B-2 Conditional Use

Pending Planning and Zoning Commission and City Council Determinations

Staff Analysis:**GCC 8-7A-1 Definitions of Uses**

PUBLIC USE: *The use of a site for public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials, recycling and public service facilities.*

GCC 8-7A-2 Definitions of Terms

RIPARIAN ZONE: *The area between the ordinary high water mark of the Boise River including tributaries where water comes from and flows back into the Boise River and the greenbelt and/or nature path; or where there is no greenbelt and/or nature path adjacent to the river or tributary, the area measured twenty-five feet (25') in width from the riverbank.*

GCC 8-2B-2 Allowed Uses: Pending decision of Planning and Zoning Commission**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>								
	R-1	R-2	R-3	R-20	C-1	C-2	M	LI
<i>Public Use</i>	C	C	C	C	P	P	C	C

The proposal is not located in a property with a zoning designation. The project is adjacent to C-1 zoning and no other zoning districts. A Public Use is a permitted use in the C-1 Zoning District.

GCC 8-3B-5-7: RIPARIAN ZONE: Compliant as conditioned

*The riparian zone is to be left natural. **Uses within the riparian zone shall be restricted to those** which are required by public necessity (for example, bridges or water pumps), **for public recreation (for example, the greenbelt)**, and wildlife habitat improvements (for example, vegetation, nesting structures); provided that the use/encroachment meets the approval of the federal emergency management agency and national flood insurance program and does not jeopardize the city's participation in the national flood insurance program.*

A. Improved access to the Boise River shall be prohibited in all areas that are not approved through a conditional use permit with approval of city council or otherwise designated by the city council; and

B. Approved accesses to the Boise River must be designed in such a way so as to not destabilize the banks of the river.

- 1. No use of restricted use chemicals or soil sterilants will be allowed within the riparian area.*
- 2. No use of pesticides, herbicides, fertilizers will be allowed unless approved by regulatory agencies that have jurisdiction over the Boise River.*
- 3. All applications of pesticides, herbicides and fertilizers shall be done by a licensed applicator and applied at minimum application rates and shall be limited to two (2) times a calendar year unless otherwise approved.*

4. *The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed.*

C. *No person shall damage, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the riparian zone without an approved permit. Minor pruning above the ordinary high water mark that does not remove, damage or otherwise harm any plant, habitat or cause bank destabilization is allowed without a permit.*

D. *A permit may be granted for:*

1. *Removal of downed trees or trees identified by the city arborist to pose a danger to life, limb or property may be removed.*
2. ***Replacement of nonnative plants with native plants to provide habitat or bank stabilization.***

During a site visit conducted August 5, 2016, it appears as though there violations of Garden City Code 8-3B-5-7. Much of the public property between the Riverside Hotel and the Boise River has been rendered to bare dirt, at places is maintained in grass, and there is a newly cut tree at the Boise River bank.



Examples of violations on August 5, 2016

In addition to the Garden City Riparian Area Code there are a number of Federal, State, and Local regulations related to the applications involving the Boise River ranging from floodplain management, migratory bird and wetlands protection, pollutant and sediment discharge, etc. Of particular concern with this application is the plant schedule as it relates to many of the above mentioned regulations. The types of plants introduced may provide insurance that the bank will not be destabilized by pedestrian traffic, plants tend to slow down the waters (hard surfaces do not), reduce sediment in the river, provide habitat, and trees and brushy areas are important for shading and cooling of the water.

The applicant has proposed a re-vegetation schedule for the public property adjacent to the hotel's property. Included in the re-vegetation application materials is the un-platted public property riverside and adjacent to Telaya Winery located at 240 E.32nd Street, however, no improvements to the vegetation are proposed in the materials. Recommended conditions of approval would require that the banks be fully vegetated with native species as approved by the City and the tree that was cut be mitigated on the subject property. Removal of additional trees would not be permitted.

The applicant has provided a plant schedule that does not appear to be compliant with code requirement that new plants be native. According to the USDA plant database online the proposed *Vicia Minor*, *Parthenocissus Quinquefolia*, and *Rhus Aromatica* are not native. The USDA plant database site does not include information on *Mahonia Aquifolium*, *Salix Lutea*, *Rhus Aromatica*, *Festuca Ovina Glauca*, *Mahonia Repens*. Please note that staff believes that 'Rhus Aromatica' noted by the applicant may be intended to note 'Rhus Trilobata'.

A recommended condition of approval is that the plant schedule be revised to be only native species. Documentation should be provided that the proposed species are native to the Boise River. The applicant has been provided with a list of native species as compiled by the Idaho Native Plant Society.

Title 8 Article E. Transportation and Connectivity Provisions: Compliant

Connectivity provisions apply to any new construction, addition, expansion, grading, alteration or new or more intense use of the property. Most of Title 8 Article E is not applicable to this particular application. This is an un-platted parcel that contains the greenbelt. It is not adjacent to a public right-of-way, there is no public street connection, and there is no vehicular traffic on site. Thus this property would not necessitate a sidewalk, transit considerations, or generate clear vision triangle concerns. As the greenbelt runs through the property bike and pedestrian accessibility is addressed.

Comprehensive Plan Analysis Compliant

The proposal is located in the Live Work Create Land Use Designation of the Garden City Comprehensive Plan. This proposal is congruent with the intent of the Live-Work-Create District. Furthermore there are numerous Goals, Objectives and Action Steps found in the Garden City Comprehensive Plan that support this application. Below are a few:

- *1.5 Objective: Celebrate the historic, the cultural and the artistic.*
- *Goal 2. Improve the City Image*
- *2.1.2 Encourage high quality design and landscaping, including the use of water features, in new development.*
- *3.1 Objective: Create a downtown or town center with river access.*
- *3.2 Objective: Create public gathering places at multiple locations throughout the city.*
- *Goal 5. Focus on the River*
- *5.1 Objective: Consider a safe rafting route on the Boise River.*
- *5.2.1 Identify appropriate native plants and landscaping techniques for landscaping along the river. Require that new developments have landscaping consistent with those guidelines.*
- *5.5 Objective: Create more accessibility to the Boise River and greenbelt.*

Other Plans/ Approvals Analysis

No other plans or previous entitlements were found to be pertinent.

Summary of Comments from Other Departments and Agencies

Idaho Department of Lands

The State of Idaho owns the beds and banks of navigable lakes and streams (Public Trust Lands) as defined by the ordinary high water mark. Idaho Department of Lands (IDL) is the regulatory agency that manages this resource. IDL will require an easement for the portion of the project that is located below the ordinary high water mark of the Boise River. IDL will also require that the project be constructed and maintained in such a manner that will not obstruct the river channel or hinder or affect navigation, recreation, or other authorized and customary use of the Boise River. In addition, IDL will require that the Riverside Hotel Boise River access structure and other improvements to be open to the general public for free use.

* Please note that staff, Jenah Thornborrow had a discussion via phone with Dean Johnson, Land Resource Supervisor on July 28, 2016 related to State of Idaho ownership. He confirmed that if there has not been a disclaimer of interest for the un-platted property adjacent to the River between the River and the platted and owned property, that it is considered to be publically owned.

Garden City Engineer

The Garden City Engineer has provided comments related to application materials, the design of the access to the river, vegetation removal, and the proposed water connection.

Idaho Transportation Department

No objection.

Garden City Sewer Division

No concerns noted.

Garden City Environmental Division

Garden City Environmental Division has not submitted comments to date. Regardless, Garden City Code requires that earthwork, and drainage be approved. A recommended condition of approval is approval of the Garden City Environmental Division.

North Ada County Fire and Rescue

No objections noted.

City of Boise Parks Department

The City of Boise has noted that more businesses should install access to the River to mitigate 'volunteer' accesses.

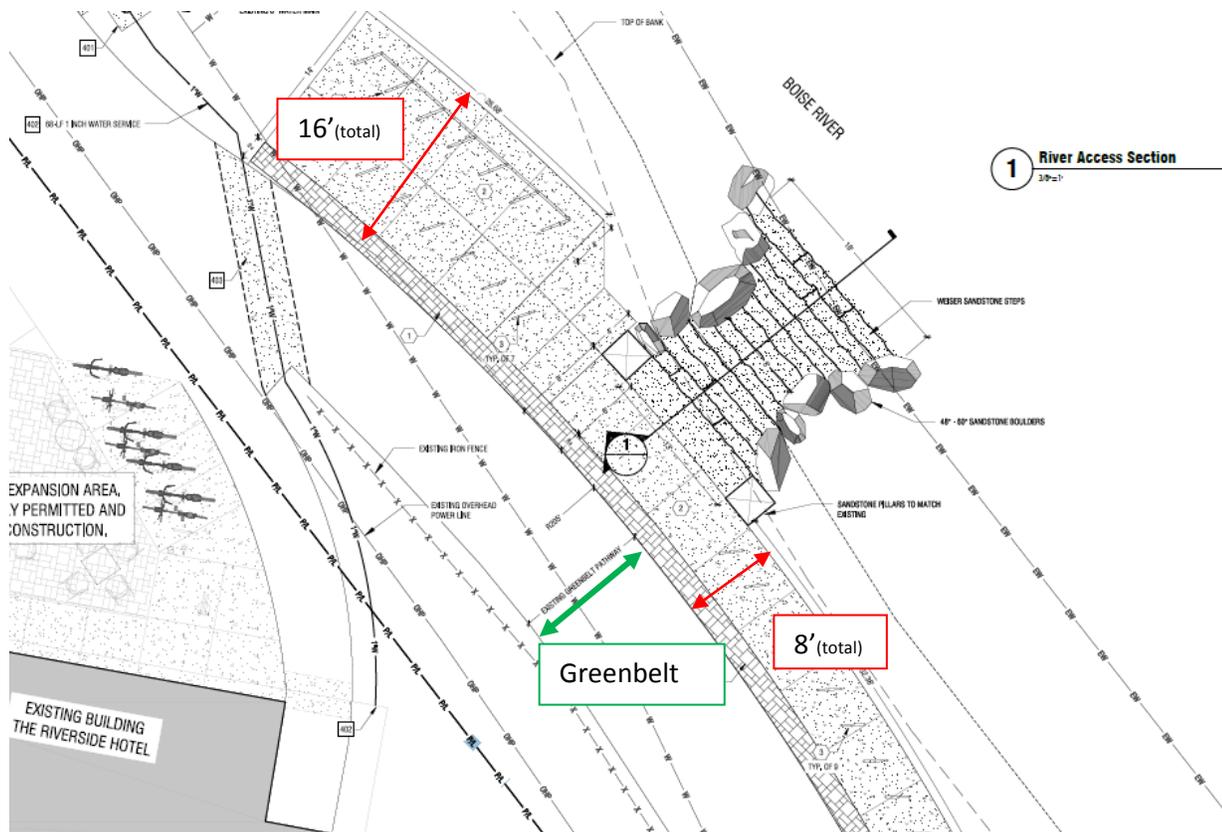
Summary of Comments from Public

There have been no written public comments received to date.

Staff has had phone conversations with members of the public noting concern with the bike racks and paddleboard racks creating an unsafe situation with the greenbelt users.

Discussion**Rack Safety**

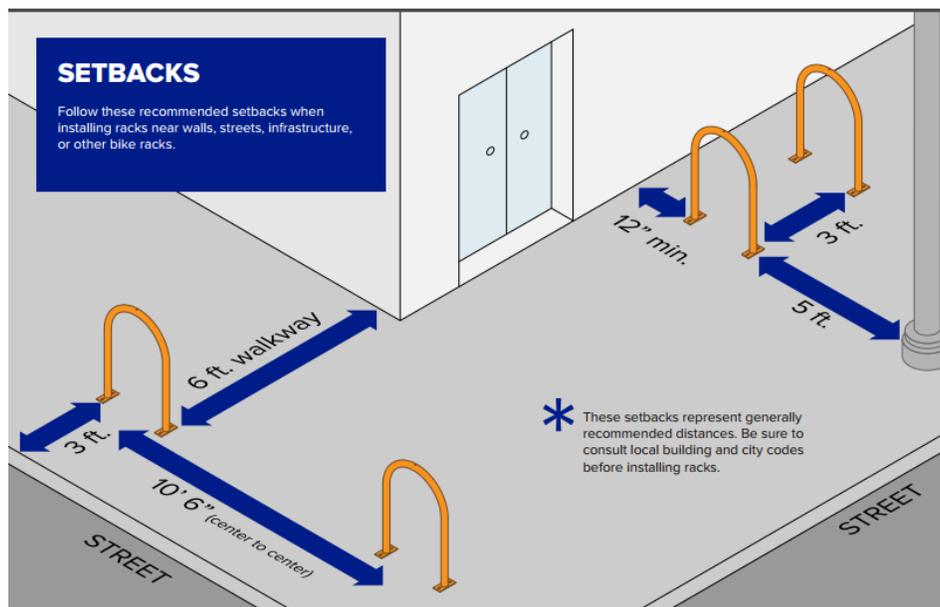
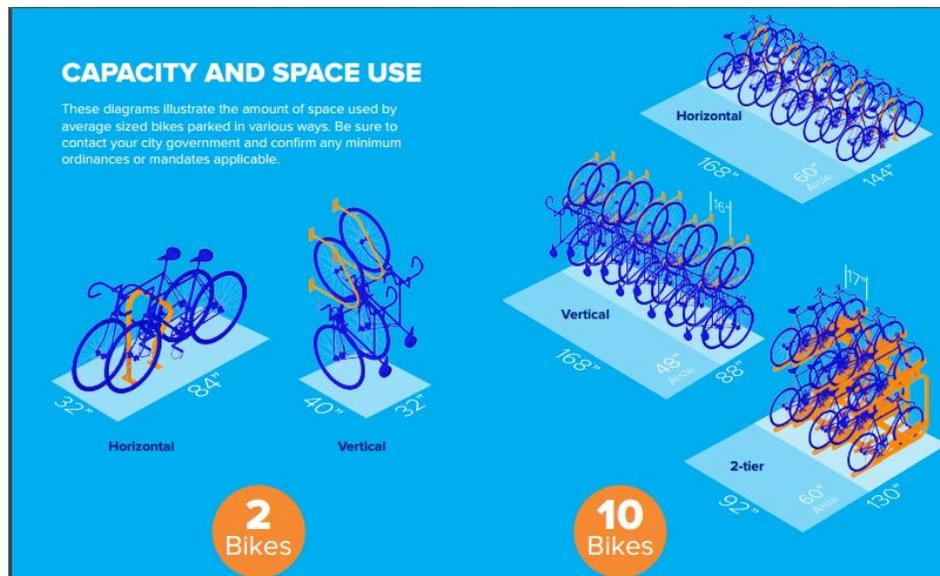
There are 7 paddle board stands adjacent to the Boise River, and 16 bike stands included in this proposal. The applicant has proposed 8' of length for the bicycle racks at roughly 3.5' spacing where there are stand alone racks and where there are paddleboard stands next to the Bicycle racks 14' of length will be provided for both.



Garden City staff has had conversations with individuals related to safety concerns related to this proposal and the bicycle and paddleboard racks and the proximity and interaction with the Greenbelt. The Greenbelt is a dual use facility in that it is a public amenity that is used for recreation and commuters. The subject location is a congested area of the Greenbelt and introducing bike racks or paddleboards too close could create conflict with the Greenbelt users. Specifically there is concern of adequate space for people to move around a parked bike as well as how the bike will leave (i.e. will they be able to be mounted on the bike prior to entering the greenbelt or will they have to back their bike into the greenbelt prior to mounting the bike?). Additionally, the crossing of the greenbelt with boats and paddleboards or individuals holding kayaks or paddleboards lengthways while putting them in the racks could create impediments protruding into the greenbelt or block the greenbelt.

Staff relayed this concern to the applicant and requested the guidelines they utilized when developing the plan. The applicant indicated that they utilized the standards found at <http://www.dero.com/bike-parking-guide.pdf>. No guidelines were provided for paddleboard racks.

The below two images are from the web link for parking standards provided by the applicant.



Per the provided standards 84" (7'), the proposed 8' seems to be adequate for the parking of a bike without a bike cart/trailer; however it would necessitate people backing into the Greenbelt prior to mounting their bike. This would create a conflict with Greenbelt users.

As an example of Greenbelt interaction with bicycle parking and a put-in/ take-out to the Boise River staff has provided photos of the Boise White Water Park. The City of Boise has designed the bike racks to be separated from the Greenbelt so that they can accommodate larger bikes and bike trailers, as well as be in a forward motion when entering the Greenbelt. The access to the Boise River is completely separated from Greenbelt users.



Bike racks oriented so that bikes can be fully mounted prior to entering Greenbelt.



Two separate paths to reduce conflict.



Dedicated access to the River separated from Greenbelt

The proposed location is significantly smaller than the area containing the Boise improvements. All the same, a recommended condition of approval is to provide an analysis or revision of the plan with an analysis that can demonstrate that there is adequate room for a bike to be in a forward motion prior to entering the greenbelt and that there is adequate space for paddleboards to navigate without any portion of the paddleboard entering the Greenbelt.

Vehicle Use on Greenbelt

On August 5, 2016 staff visited the site. During this visit there were three vehicles that were parked on the Greenbelt. Per Garden City Code 10-1-1, this area is considered a "Park". Garden City Code 10-1-3 prohibits any motor vehicle on the Boise River Greenbelt. A recommended condition of approval is that the hotel post 'no vehicle access' at the two parking lots adjacent to the Greenbelt.



Vehicle parked on Greenbelt

Use Pattern Anticipated

The applicant has indicated that people are paddling upstream from the access at 34th Street. They do not propose additional use patterns. Staff advises that there may end up being an unimproved access point to the River created at Quinn's Pond in Boise for easier access to the proposed river access than paddling upstream, and Quinn's pond which sees more Paddleboard use than the Boise River sees.

Maintenance

A recommended condition of approval is that the Riverside Hotel provide a maintenance agreement to be responsible for maintaining the improvements and adjacent bank in vegetated, safe, and stable conditions.

From: [Jennifer Tomlinson](mailto:Jennifer.Tomlinson)
To: [Jenah Thornborrow](mailto:Jenah.Thornborrow)
Subject: RE: Riverside Hotel River Access
Date: Tuesday, August 09, 2016 2:10:37 PM

Thanks Jenah

Looks like an improvement to the river. We need more businesses along the River to develop similar access points. This type of access should help manage "volunteer" access trails.

Jennifer

From: Jenah Thornborrow [<mailto:jthorn@GARDENCITYIDAHO.ORG>]
Sent: Thursday, August 04, 2016 4:34 PM
To: Jennifer Tomlinson <JTomlinson@cityofboise.org>
Subject: RE: Riverside Hotel River Access

Jennifer,

My apologies. I am glad I asked. The application materials are on the web at:
http://www.gardencityidaho.org/index.asp?SEC=435AAA7D-EB0F-4395-AA73-B9091191194B&DE=C576AE59-A8FC-4AB2-95FE-F4E863151740&Type=B_EV

Jenah E. Thornborrow, AICP

Development Services Director

From: Jennifer Tomlinson [<mailto:JTomlinson@cityofboise.org>]
Sent: Thursday, August 04, 2016 4:32 PM
To: Jenah Thornborrow
Subject: RE: Riverside Hotel River Access

Jenah

I never received the notice.

Thanks

Jennifer

From: Jenah Thornborrow [<mailto:jthorn@GARDENCITYIDAHO.ORG>]
Sent: Thursday, August 04, 2016 3:27 PM
To: Jennifer Tomlinson <JTomlinson@cityofboise.org>
Subject: Riverside Hotel River Access

Jennifer,

You should have received notice from Garden City related to the Riverside Hotel's request for River

access some time ago from the email planning@gardencityidaho.org. I haven't seen anything come if from you, and wanted to make sure that you had received the notice.

Regards,

Jenah E. Thornborrow, AICP

Development Services Director

Total Control Panel

[Login](#)

To: jthorn@gardencityidaho.org [Remove](#) this sender from my allow list

From:

jtomlinson@cityofboise.org

You received this message because the sender is on your allow list.



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
- Boise
- Eagle
- Garden City
- Kuna
- Meridian
- Star

Rezone # _____

Conditional Use # CUP 20 FY 2016-8

Preliminary / Final / Short Plat _____

Garden City

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
 - high seasonal ground water waste flow characteristics
 - bedrock from original grade other _____
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approval from appropriate entities are submitted, we can approve this proposal for:
 - central sewage community sewage system community water well
 - interim sewage central water
 - individual sewage individual water
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage community sewage system community water
 - sewage dry lines central water
- 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 12. We will require plans be submitted for a plan review for any:
 - food establishment swimming pools or spas child care center
 - beverage establishment grocery store
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. _____

Reviewed By: Rowena
 Date: 7/27/16

From: [Joseph D. Canning](#)
To: [Tamara Thompson](#)
Cc: [Jenah Thornborrow](#)
Subject: RE: Riverside Hotel River Access Riverside CUPFY2016-7
Date: Wednesday, August 03, 2016 1:11:55 PM

Tamara,

The comment response notes a survey, but I did not see one in the information. I presume a Professional Land Surveyor signed the survey? And do you know how the land boundary of the survey will match the original subdivision plat? A copy of the deed would verify that. Our concern is if a remnant exists between the Davis Ranch land and the Randall Finance Company subdivision plat. This is a common occurrence along the Davis Drain, as an example.

The state of Idaho usually claims below the mean high water line, but historically disclaims interest from the original meander lines to the mean high water line. However the hay reserve for Fort Boise (Davis Ranch) may have preceded any GLO survey in the area.

Joe Canning, PE/PLS
Garden City Engineer
c/o B & A Engineers, Inc.
208+343+3381

From: Tamara Thompson [mailto:tamara@thelandgroupinc.com]
Sent: Tuesday, August 02, 2016 9:27 PM
To: Jenah Thornborrow; Joseph D. Canning
Subject: Riverside Hotel River Access Riverside CUPFY2016-7

Jenah and Joe,

Attached please find:

1. Signed revised Plans
2. Karl Gebhart's letter
3. Our written response to comments.
4. Plant schedule

Please let us know if you have any additional comments or questions.

Tamara

director of client services

tamara thompson

THE LAND GROUP | thelandgroupinc.com | 208.939.4041

ExchangeDefender Message Security: [Check Authenticity](#)

Total Control Panel

[Login](#)

To: jthorn@gardencityidaho.org [Remove](#) this sender from my allow list

From:

jdcanning@baengineers.com

You received this message because the sender is on your allow list.



IDAHO TRANSPORTATION DEPARTMENT

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

(208) 334-8300
itd.idaho.gov

July 20, 2016

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

VIA EMAIL

RE: CUPFY2016-8 ACCESS TO BOISE RIVER

The Idaho Transportation Department (ITD) has reviewed the referenced conditional use application from The Land Group for increased access to the river located at 2900 Chinden Blvd, Riverside Hotel, north of US-20/26 (Chinden Boulevard). ITD has the following comments:

1. ITD has no objection to the proposed improved access to the river 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

Michael G. Irvan
*Commissioner/
Administrative Chief*

Margaret Dimmick
Commissioner

Jeff Ramey
Commissioner



Shelley Young
*Administrative
Manager*

August 3, 2016

Garden City Development Services - Planning

Re: Conditional Use Application CUPFY2016-8
2900 W. Chinden Blvd.

This application is for a Conditional Use approval for Boise River Access, installation of bicycle racks, paddle board racks, and water fountain on the river side of the greenbelt.

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 Building

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

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

Date: 20 July 2016

Subject: Riverside Hospitality, LLC
FPPFY2016-3
Boise River Access Review #1

Pages: 3

Media: Transmitted via E-mail

Status: Comments Pending

On behalf of Garden City, as the city engineer, we have completed our first review of the subject application. This application is requesting to construct a step access to the Boise River adjoining the Riverside Hotel comprised of fill, sandstone and boulders.

Information provided with this application applicable to our review is:

- Floodplain/Floodway Application Application dated 14 July 2016
- No-Rise Analysis letter prepared by Karl A. Gebhardt, PE of Resources Systems, Inc. and dated 24 June 2016
- Engineering "No-Rise" Certification prepared by Karl A. Gebhardt, PE of Resources Systems, Inc. dated 24 June 2016
- Copy of the Department of the Army project authorization dated 6 June 2016 (with exhibits)

- Construction plan sheet C2.00 stamped by Jason Densmer, but not dated or signed

Comments are as follows:

1. Please sign and date sheet C2.00.
2. It appears that approval/consent of the Idaho Department of Water Resources and the Idaho Department of Lands. Such reviews may require other entities to review the project.
3. Who is the landowner where the project resides? Where is the boundary of the Riverside Hospitality land?
4. On sheet C2.00, it is not entirely clear what ground surface is planned to connect the concrete sidewalk at the top of the project to the first sandstone step. Please advise.
5. On sheet C2.00 there is a reference to sheet C2.51. We did not receive this sheet. Please provide.
6. Sheet C2.00 depicts a new 1" water service. Just a question, but is the applicant sure they desire a new service instead of connecting to an existing one? We are thinking of charges in perpetuity for the new meter.
7. Sheet C2.00 depicts a new 1" water service that is keynoted by 402 and with a reference to SD-401. Please augment the keynote with the applicable standard note of Garden City.
8. For the new water service on sheet C2.00, please advise on a backflow prevention device.
9. Sheet C2.00 depicts permeable pavers over the water line. Are the permeable pavers necessary in that immediate area? We are thinking about water line separation per IDEQ comment.
10. Sheet C2.00 should include the grading from the Sandbar Expansion project to depict concrete grades and slopes to conform to the planned improvements in this project. We want to be sure that drainage does not flow toward the river for the impervious surfaces (other than the access itself).
11. Sheet C2.00 depicts a high water line at approximately 2662.57. For lower flows, how will bank erosion by pedestrian use be mitigated below that elevation? For most of the year, water will be considerably lower than the high water line.
12. Sheet C2.00 – What is the extent of vegetation removal planned?

13. Please provide enough of the hydraulic analysis noted in Mr. Gebhardt's letter dated 24 June 2016 to verify the information provided in the letter.
14. Just a question, but we want to be sure the hydraulic analysis accounted for the large boulders shown in sheet C2.00. The boulders appear to project vertically several feet above the bank of the river and existing ground. Please advise.

FEMA Work Maps

Just as a notice, please be aware that FEMA is currently completing a study of the Boise River and will be issuing new FIRM maps. Although the mapping is only working editions at this time, many new areas within Garden City may be included in the floodplain and many areas that are in the current floodplain may be further impacted. What the final maps will depict is impossible to predict at this point in time, but impact to the subject site may occur. 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.

Please respond in writing to each of the above comments and provide paper and digital copies of all resubmitted information to city hall for further review.

From: [Troy Vaughn](#)
To: [Jenah Thornborrow](#); [Erika Akin](#); [building](#)
Subject: RE: Garden City Agency Notice
Date: Monday, July 18, 2016 3:57:27 PM

No concerns from me at this time.

Thanks,

From: planning

Sent: Monday, July 18, 2016 2:56 PM

To: Deanna@idahosmartgrowth.org; 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; mreño@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

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, August 17, 2016, AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO TO CONSIDER A REQUEST FOR:

THE FOLLOWING ITEM, IN ADDITION TO BEING HEARD AT THE PLANNING AND ZONING COMMISSION MEETING WILL BE HEARD AT A PUBLIC HEARING BEFORE THE GARDEN CITY COUNCIL AT 6:00 P.M. MONDAY, SEPTEMBER 12, 2016, AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO TO CONSIDER A REQUEST FOR

- A. CUPFY2016-8:** Tamara Thompson with the Land Group is requesting Conditional Use approval of an improved access to the Boise River. The site is located at 2900 Chinden Blvd, Riverside Hotel, and is within C-1 zoning district and the Live Work Create Comprehensive Plan designation.

Tamara@thelandgroupinc.com

- B. CPAFY2016-1:** Matt Mraz, is requesting a code change to 8-2C-43 to reduce the minimum site area for a vehicle sales and rental from 30,000 square feet to 25,000 square feet.

Matthew.A.Mraze@SHI.com

Application materials can be found at
<http://www.gardencityidaho.org/index.asp?>

**SEC=435AAA7D-EB0F-4395-AA73-
B9091191194B&DE=C576AE59-A8FC-4AB2-
95FE-F4E863151740&Type=B_EV**

NOTE: Please send comments to Garden City Development Services by **August 3, 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