

CITY OF GARDEN CITY

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

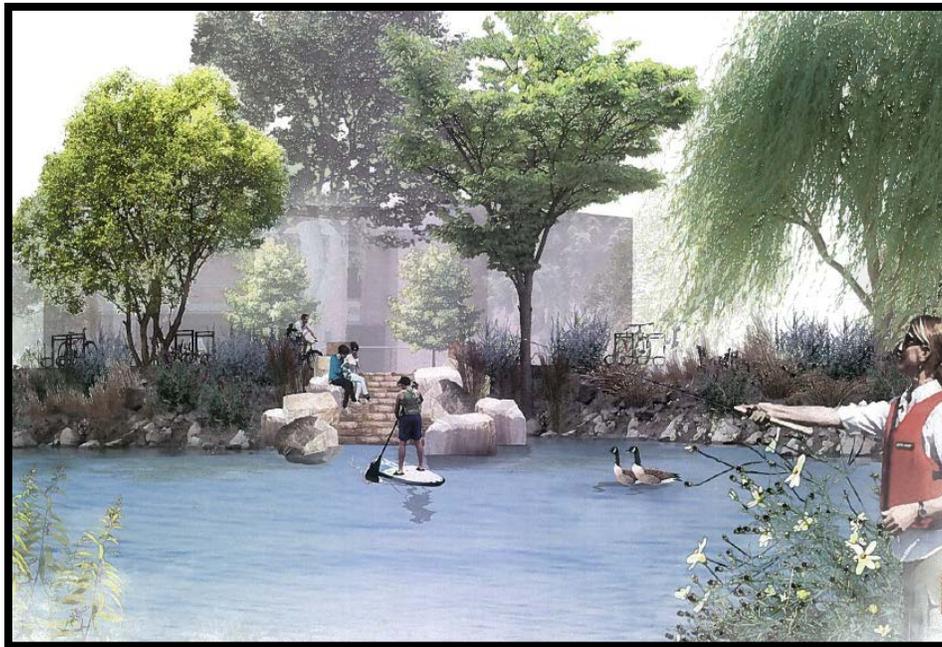
CUPFY2016-8: Conditional Use Permit

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.

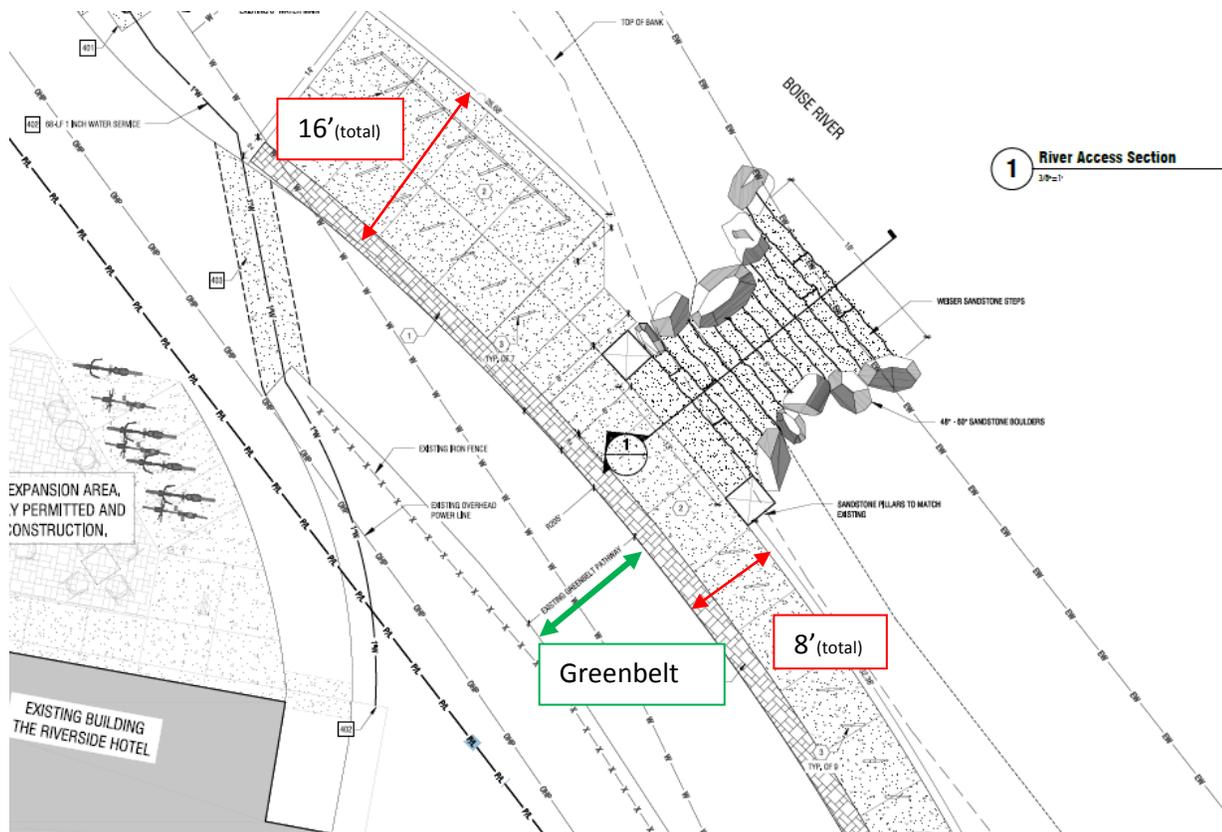
Summary of Comments from Public

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**

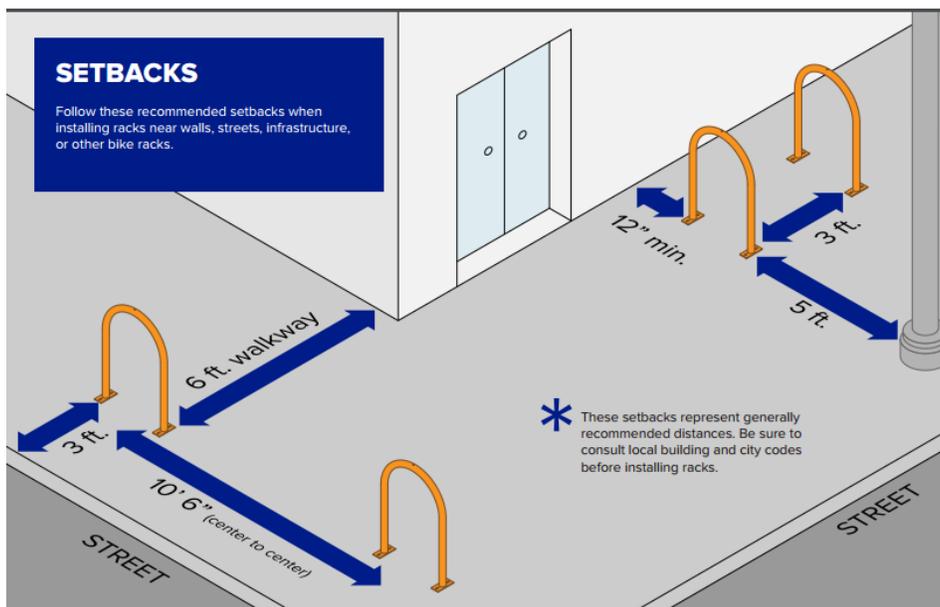
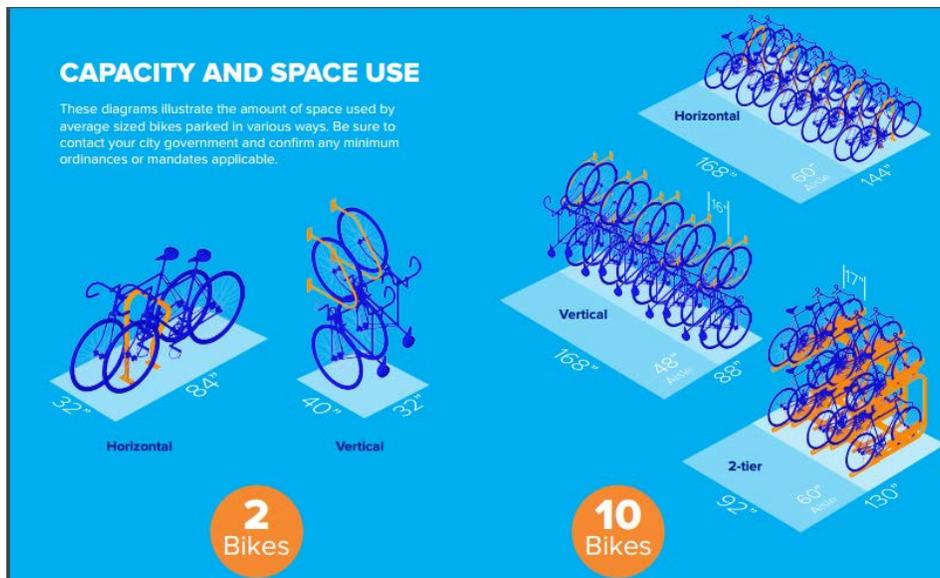
There are 7 paddle board stands adjacent to the Boise River, and 16 bike stands included in this proposal. The applicant has proposed 8' of length for the bicycle racks at roughly 3.5' spacing where there are stand alone racks and where there are paddleboard stands next to the Bicycle racks 14' of length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

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.
 - C. There was XXX from the public who testified.
 - D. The application was moved to the consent agenda, and recommended for approval.

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. The proposed use and subject property is to remain open and accessible to all members of the public.
4. Any encroachments onto public property are to remain open and accessible to all members of the public.
5. No fencing of the subject property is allowed.
6. 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.
7. 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.

8. 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.
9. 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.
10. Restricted use chemicals or soil sterilants shall not be allowed within the riparian area.
11. 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.
12. 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.
13. Signs noting 'no vehicle access on Greenbelt' at the two parking lots located at 2900 Chinden, adjacent to the Greenbelt shall be posted.
14. 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.
15. Re-vegetation within the Boise River Channel may require an Army Corp permit.
16. Improvements shall be installed as approved by Idaho Department of Lands, United States Army Corp of Engineers and, the City of Garden City.
17. 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.
18. The operator shall have a continuing obligation to comply with all Federal, State, City, and County regulations.
19. 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

Date

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

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Total Control Panel

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

From:

jdcanning@baengineers.com

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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