



**City of Garden City**  
**Planning and Zoning Commission Staff Report**

**Recommendation:** Approval with conditions

**Issues:** The applicant has noted disagreement with the recommended conditions of approval requiring streetscape and sidewalk improvements.

**Project Description:**

**Garden City Planning and Zoning Commission Public Hearing Date:** November 16, at 6:30 p.m.

**Application File Number:** CUPFY2017-1

**Applicant:** The applicant is James Glancey of Glancey Rockwell and Associates representing Future Investments, LLC doing business as Western Building Maintenance.

**Location:** 3275 N. Brown Street.

**Requested Use:** Service Provider Facility.

**Project Synopsis:** The plan of the project will be to add 1,027 square feet to the existing 6,246 square foot Western Building Maintenance: an existing Service Provider facility. The addition will be used for a maintenance shop. Currently there is a small storage shed in this location which will be removed for this project. A new Conditional Use Permit is required for the expansion of the use.

**Existing Conditions:**

- The subject property is 1.27 acres (55,321 sq ft).
- The project is in the C-2 Zoning District.
- The project is located in the Live / Work / Create Comprehensive Plan Land Use Designation.
- The subject property is outside the 100 year floodplain designation.
- Surrounding Uses: Vehicle Service, Vehicle Sales and Rental, Food Products Processing, Warehouse, Storage and Wholesale.
- Existing Use: Service Provider Facility.
- Garden City of existing easements include:
  - Utility, drainage and irrigation easement along the Northwest side of the property.
  - 2 well easements covering over 90% of the property.
  - Utility, drainage and irrigation easement along the Southeast side of the property.
- Access to the site is from Brown Street.
- Attached sidewalks currently extend approximately 80 feet along Brown Street. There is approximately 250 feet of frontage at the site with no sidewalks installed.

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

Standards	Staff Analysis
8-7A Definitions of Uses	
8-2B-1 Purpose	
8-2B-2 Allowed Uses	

<b>8-2C-36 Service Provider</b>	Compliant as Conditioned
<b>8-4 Design and Development Regulations</b>	Compliant as Conditioned
<b>Comprehensive Plan Analysis</b>	Compliant as Conditioned
<b>Comments from Other Departments and Agencies</b>	Compliant as Conditioned
<b>GCC 8-6B-2 Conditional Use</b>	Pending decision of Commission

### **Staff Analysis:**

#### **8-7A Definitions of Uses:**

**SERVICE PROVIDER:** *The use of a site for an employee or employees of a company or person that provides materials or labor to perform a service or job not located on site. This may include, but is not limited to, building or trades contractor, damage restoration services or cleaning services. This is not the same as a "storage yard" as herein defined nor does this definition include construction or manufacturing on site.*

#### **8-2B-1 Purpose**

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

#### **GCC 8-2B-2 Allowed Uses:**

Service Provider is allowed with approval of a Conditional Use Permit in a C-2 base zoning district.

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

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

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

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

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

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

**GCC 8-2C-36 SERVICE PROVIDER: Compliant as Conditioned**

- A. *Site Layout: No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.*
- B. *Parking and Access:*
1. *The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.*
  2. *All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.*
- C. *Limitations: The site shall not be used as vehicle wrecking as herein defined.*
- D. *Site Maintenance:*
1. *All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.*
  2. *Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.*
- E. *Other Standards Apply: Outdoor storage areas shall comply with section 8-1C-3, Property Maintenance Standards, of this title.*

Currently there are off street parking stalls at the applicant's property that back out directly into Brown Street creating a traffic hazard. Parking areas shall be designed in accordance with 8-4D-3.

The applicant intends to use the addition as a maintenance shop. A recommended condition of approval is the site shall not be used as vehicle wrecking. A vehicle Service use does not fall under the definition of Service Provider. A recommended condition of approval is the site shall not be used as a Vehicle Service Use.

**Title 8 Chapter 4: Compliant as Conditioned****Article D: Parking and Off Street Loading Provisions****8-4D-2 Applicability**

- A. The design standards as set forth in section 8-4D-3, "Parking Design And Improvement Standards", of this article shall apply to any new construction, alteration, or moving of a structure or any new or **more intense use of property**.

**8-4D-3 PARKING DESIGN AND IMPROVEMENT STANDARDS:***7. Parking Area Access Requirements:*

- a. *Parking areas shall be designed in such a manner that any vehicle leaving or entering the parking area from, or onto, a public or private street shall be traveling in a forward motion. Except for an alley and parallel spaces, driveway configurations which require backing in, from, or out onto the street, are not allowed.*
- b. *Parking areas shall be designed so that all vehicles are able to turn around within the site boundaries.*

*c. Access driveways for parking areas shall be located in such a way that any vehicle entering, or leaving, such an area shall be clearly visible by a pedestrian, or motorist, approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements in section 8-4E-3, "Public Street Connections", of this chapter and the vehicle and pedestrian circulation standards in section 8-4E-4, "Internal Circulation Standards", of this chapter.*

Any change in parking will need to comply with the standards set forth in Garden City Code Title 8-4D-3 Parking and Design Improvement Standards.

#### **Article E: Transportation and Connectivity Provisions**

##### **8-4E-2 Applicability**

This article provides design standards that shall apply to any new construction, addition, expansion, grading, alteration, or any new or **more intense use of property**.

##### **8-4E-4 INTERNAL CIRCULATION STANDARDS:**

*A. Driveways, aisles and turnaround areas, when required for fire and refuse access, shall meet the following standards:*

- 1. Have a minimum vertical clearance of thirteen feet six inches (13'6") for their entire length and width.*
- 2. Have a minimum width of twenty feet (20').*
- 3. The design of internal circulation should be integrated with the overall site design and adjacent properties, including the location of structures, pedestrian walkways and landscaping.*

Any change to on site circulation or transportation and connectivity will need to comply with the standards set forth in Garden City Code 8-4E.

##### **8-4E-6 SIDEWALK STANDARDS:**

*All sidewalks shall be designed and constructed to the following standards:*

- A. Sidewalks shall be required along public rights-of-way intended for vehicular travel.*
- B. All sidewalks shall be a minimum of five feet (5').*
- C. Detached sidewalks shall be required unless in conflict with a street plan adopted by the transit authority and/or the city or there is existing attached sidewalk on both sides adjacent to the property.*
- D. Sidewalks shall be designed to flare around mailboxes, utility boxes and other impediments to pedestrian circulation to maintain a minimum five feet (5') of travel width.*

There are incomplete sidewalks installed along Brown Street. A recommended condition of approval is installation sidewalks adjacent to the public rights-of-way in conformance with 8-4E-6 and the adopted Sidewalk Policy.

#### **Comprehensive Plan Analysis:**

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

The proposed land use is in the Live-Work-Create Comprehensive Plan Land Use Designation.

**LIVE-WORK-CREATE:** *The live-work-create district is located in the Old Town Site generally between 32nd to 37th Streets. This designation reflects an opportunity to create an Arts District within the City where artists, crafts persons, or others can live, work, exhibit and operate a business. A mix of uses, including residential, retail, office and small scale industrial are appropriate for this area. Regulation should be primarily through form not uses, including maintaining the existing subdivision pattern of small lots, and limiting the maximum building footprint or square footage of a building in relation to lot size. Large scale development that consolidates lots and allows for larger scale industrial or commercial uses should be restricted.*

An existing Service Provider facility is proposing to construct an addition. The proposed expansion is intended to be used as a small maintenance shop for the Service Provider's use. Although the Service Provider use is not ideal for the Live-Work-Create District, the proposed expansion would not be considered a larger scale commercial development.

### **Comments from Other Departments and Agencies**

#### **Department of Environmental Quality**

The Department of Environmental Quality provided a letter dated November 1, 2016 stating no project specific information.

#### **Garden City Sewer Division**

The Garden City Sewer Department has provided email correspondence dated October 11, 2016 stating no issues noted.

#### **Ada County Highway District (ACHD)**

ACHD has provided a letter dated October 24, 2016. The District has reviewed the building plans for the above referenced project for assessment of impact fees. The District has no comment on the site improvements because all proposed improvements are outside of ACHD right-of-way. If the scope of work changes to include work within the right-of-way, the District will need to review and approve those changes.

#### **North Ada County Fire and Rescue**

North Ada County Fire and Rescue has provided a letter dated November 4, 2016 stating fire hydrants, capable of producing the required fire flow, shall be provided. A fire hydrant is located within required distance. The applicant is required to provide documentation of sufficient fire flow for the building including the new addition. Specific building construction requirements of the International Building Code, International Fire Code will apply.

#### **Central District Department of Health**

The Central District Department of Health has provided a letter dated October 27, 2016 stating no objections to the proposal.

#### **Garden City Engineer**

The Garden City Engineer has provided a letter dated October 10, 2016. Prior to performing any grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan. The building addition project may require an entire site grading and drainage plan. It is not clear from the application if the proposed building addition will replace existing hard surface or cover a more permeable surface. More information is needed to ascertain the submittal requirements.

### **Summary of Comments from Public**

Janie Black Morris of Dogwood Dew LLC provided a comment response in support of the application CUPFY2017-1.

# GARDEN CITY PLANNING AND ZONING COMMISSION

**Service Provider Facility Expansion**  
**3275 N. Brown Street**  
**CUPFY2017-1**

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

This application came before the Garden City Planning and Zoning Commission for consideration on November 16, 2016, at which time the Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Commission makes the following findings of fact and conclusions of law:

## FINDINGS OF FACT

1. The applicant is James Glancey of Glancey Rockwell and Associates.
2. The property owner of record is Future Investments, LLC.
2. The request is for the expansion of a 'Service Provider' facility as defined by Garden City Code 8-7A.
3. The location of the project is 3275 N. Brown Street, Garden City, 83714 Ada County Tax parcel R2734531045, LOT1/2 & 33 & 34 & E2 VAC ST & S2 VAC ST ADJ & TRACT S & ADJ & BLK U FAIRVIEW ACRES SUB NO 4 #R2734513811-S 531040-C.
4. The subject property is 1.27 ACRES (55,321 SQ FT).
5. The subject property is outside the 100 year floodplain designation.
6. The project is in the C-2 Zoning District.
7. The project is located in the Live / Work / Create Comprehensive Plan Land Use Designation.
8. The following section of the Garden City Planning and Zoning Codes apply to this proposal:  
GCC 8-7A DEFINITIONS OF USES  
GCC 8-2B-1 PURPOSE  
GCC 8-2B-2 ALLOWED USES  
GCC 8-2C-36 SERVICE PROVIDER  
GCC 8-4 DESIGN AND DEVELOPMENT REGULATIONS  
GCC 8-6B-2 CONDITIONAL USE
9. A copy of the application and plans was transmitted to interested and affected public agencies and written comments were received from:
  - a. Department of Environmental Quality (DEQ)
  - b. Garden City Sewer Division
  - c. Ada County Highway District
  - d. North Ada County Fire and Rescue
  - e. Garden City Engineer
10. The record contains:
  - a. Application Materials
  - b. Letter of Application Acceptance
  - c. Agency Review Transmittal
  - d. Radius Notice
  - e. Legal Advertisement in Idaho Statesman
  - f. Affidavit of property posting
  - g. Agency Comments
  - h. Staff report, and referenced materials
  - i. Public Comments
  - j. Planning and Zoning Commission Hearing Sign Up Sheet
  - k. Signed Findings of Fact, Conclusions of Law, and Decision

11. The application was received October 11, 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.
12. On October 17, 2016 a letter of acceptance with hearing date was sent to the applicant.
13. A transmittal to other agencies including notice, application and other documents was sent on October 18, 2016 more than fifteen days prior to the public hearing.
14. A legal public hearing notice for the proposed conditional use permit application was published on October 20, 2016, and on October 24, 2016, notice was mailed to all property owners within a 300-foot radius of the said property in compliance with the public notice requirements of Section 8-6A-7 of the Garden City Municipal Code.
15. A sign was posted on November 5, 2016, in accordance with Garden City Code for the public hearing of November 16, 2016.
16. On November 16, 2016, at the Planning and Zoning Commission public hearing
  - A. The Chairman noted an email from the applicant noting agreement with the draft findings of fact, conclusions of law, and decision. The Chairman further asked if the applicant was in attendance, agreed with the draft findings of fact, conclusion of law and recommended decision, and if there was any member of the public who wished to testify in opposition to the application.
  - B. The applicant noted that he was in attendance and that he and his client agreed with the decision and conditions as drafted.
  - C. There was no one from the public who wished to testify.
  - D. The application was moved to the consent agenda, and approved.

## **CONCLUSIONS OF LAW**

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

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

## **DECISION**

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Planning and Zoning Commission hereby does **APPROVE** CUPFY2017-1 Application for An expansion of a 'Service Provider Facility' located at 3275 N. Brown Street, Garden City, 83714, Ada County Tax parcel R2734531045 subject to the following conditions:

#### **Site Specific Requirements**

1. The site shall not be used as vehicle wrecking.
2. The site is not approved for the use Vehicle Service as defined by Garden City Code.
3. Installation of attached or detached sidewalks (minimum width of 5') shall be installed along public rights-of-way in accordance with 8-4E-6, and the Garden City Sidewalk Policy prior to occupancy.
4. Any change to onsite parking will need to comply with the standards set forth in Garden City Code 8-4D.
5. Any change to on site circulation or transportation and connectivity will need to comply with the standards set forth in Garden City Code 8-4E.
6. Outdoor storage areas shall comply with Garden City Property Maintenance Standards, defined in GCC 8-1C-3.
7. Barbed wire visible from the right-of-way is prohibited.
8. All on site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property, or shall be screened from view from a public street and adjoining property with a privacy fence.
9. Applicant must complete Fire Flow Test and meet the subsequent Ability to Serve requirements prior to issuance of a building permit.

#### **General Requirements**

1. **Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.**
2. This approval is only approval of the conditional use permit. All other applicable permits must be obtained and completed prior to a certificate of compliance or occupancy.
3. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
4. Final approval is subject to the approval of other reviewing agencies and City Departments. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail.
5. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape maintenance provisions 8-4I-9; and standards for transportation and connectivity provisions identified in 8-4E.
6. Any tree grates shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.
7. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead and diseased plant materials shall be replaced.

8. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
9. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
10. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
13. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils, or planted with sufficient space to provide for the full maturity of the particular tree species.
14. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. Demonstrate compliance with 8-4G-1 prior to certificate of occupancies.
18. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
19. Property maintenance standards shall be maintained as required by Garden City Code 8-1C.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.
22. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the City Engineer. Total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
23. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City Public Works or Planning Official.
24. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
25. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action.
26. No change in terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his or her authorized representative and an authorized representative of the reviewing agency. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Garden City.
27. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
28. Any violation of the conditions of this application is a criminal offence.

29. Should there be a change in use, there is a clear intent to cease the use, or the use is discontinued for more than one year without written documentation submitted to the City, legal noticing, and property posting indicating intent to continue the use, this approval shall become void.
30. 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. This approval shall become null and void if a building permit or certificate of occupancy has not been issued within one year of the approval. 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.

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Chairman, Planning and Zoning Commission

Date

DRAFT



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

## *DEQ Response to Request for Environmental Comment*

Date: 11/01/2016  
Agency Requesting Comments: Garden City Development Services  
Date Request Received: 10/18/2016  
Applicant/Description: CUPFY2017- Vehicle Sales & Rental  
CUPFY2017-1 Service Provider Facility  
CUPFY2017-2 Grace Memory Care

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

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

### **1. Air Quality**

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

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

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

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

### **2. Wastewater and Recycled Water**

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

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

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

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

### **3. Drinking Water**

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

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

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

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

#### **4. Surface Water**

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

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

#### **5. Hazardous Waste And Ground Water Contamination**

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

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

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

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

#### **6. Additional Notes**

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

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

Sincerely,



Aaron Scheff  
[aaron.scheff@deq.idaho.gov](mailto:aaron.scheff@deq.idaho.gov)  
Regional Administrator  
Boise Regional Office  
Idaho Department of Environmental Quality

ec: TRIM 2016AEK105  
File # 2226

**From:** [Troy Vaughn](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#); [Owen Nason](#)  
**Subject:** RE: Garden City Agency Notice  
**Date:** Tuesday, October 11, 2016 10:02:40 AM

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Good morning,  
There no concerns at this time regarding Garden City Sewer.  
Thanks,

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**From:** planning  
**Sent:** Friday, October 07, 2016 4:30 PM  
**To:** Ken Couch; Colin Schmidt; Kevin Wallis; Lindsey Pettyjohn; Troy Vaughn; Chas Heaton; City Council; Charles Wadams; Frank Walker; Rick Allen; Abe Blount; Adam Straubinger; bob\_kibler@fws.gov; bpietras@idl.idaho.gov; S. Bryce Farris; carla.bernardi@cableone.biz; clittle@achdidaho.org; cmiller@compassidaho.org; cnitz@adaweb.net; criddle@cityofboise.org; Danielle Robbins; dgordon@cityofboise.org; Mark Perfect; Eric Exline; fromm.carla@epa.gov; greg.j.martinez@usace.army.mil; idprospect@aol.com; jamie.huff@dhs.gov; Joe Canning\_Work; Jim Morrison; Jim Poe; Katy Moeller; Lanette Daw; Lori Badigian ; linda.clark@deq.idaho.gov; lisaharm@msn.com; Lisa Leiby; Mack Myers; mark.wasdahl@itd.idaho.gov; mark@pioneerirrigation.com; mreno@cdhd.idaho.gov; msinglet@intgas.com; Nadine Curtis; New Dry Creek Ron Sedlacek; parks4fun4u@aol.com; Pam Beaumont; Projectmgr@boiseriver.org; Fairview Acres; Ronald Johnson ; rkinney@republicservices.com; Rob Olson; rphillips@idahopower.com; rward@idfg.idaho.gov; sanderst@dhw.idaho.gov; sdouglas@idl.idaho.gov; Shelley Young; syarrington@achdidaho.org; tmcmmorrow@spro.net; Tom Patterson; wbsdmb@qwestoffice.net  
**Cc:** Owen Nason  
**Subject:** Garden City Agency Notice

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

THE FOLLOWING ITEMS WILL BE HEARD AT A PUBLIC HEARING BEFORE THE GARDEN CITY PLANNING AND ZONING AT 6:30 P.M. Wednesday, November 16, 2016, AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO TO CONSIDER A REQUEST FOR:

CUPFY2017-1: Western building Maintenance represented by James Glancey of Glancey Rockwell and Associates is requesting a Conditional Use Permit approval of an addition of an existing Service Provider facility. The site is located at 3275 Brown Street, Garden City, 83714, and is within the C-2 General Commercial Zoning District and the Live / Work / Create Comprehensive Plan Land Use Designation. [office@grboise.com](mailto:office@grboise.com)

## Application materials can be found at

[http://www.gardencityidaho.org/index.asp?SEC=435AAA7D-EB0F-4395-AA73-B9091191194B&DE=58083207-9BB7-4571-82B2-0F6EAA21E50D&Type=B\\_EV](http://www.gardencityidaho.org/index.asp?SEC=435AAA7D-EB0F-4395-AA73-B9091191194B&DE=58083207-9BB7-4571-82B2-0F6EAA21E50D&Type=B_EV)

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

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





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

**October 24, 2016**

James Glancey  
Glancey Rockwell and Associates  
595 S. Americana Blvd.

**RE: CIF16-0036 / CUPFY2017-0001 / 3275 N. Brown St. / Maintenance Shop  
PLAN ACCEPTANCE**

The District has reviewed the building plans for the above referenced project for assessment of impact fees. The District has no comment on the site improvements because all proposed improvements are outside of ACHD right-of-way. If the scope of work changes to include work within the right-of-way, the District will need to review and approve those changes.

**Requirements Prior to Starting Work**

1. Comply with all Standard Requirements of approval.
2. The impact fee must be paid prior to issuance of a building permit.

**When Ready to Request ACHD Occupancy Sign-Off**

1. Call 387-6380 and provide all information as shown in the header of this letter, i.e. the file number, site address, and the name of the project. Please include your name and return phone number.

**Total Impact Fee due: \$2,893.06**

**ACHD inspection is not required.**

If you have any questions or concerns please feel free to contact me at (208) 387-6335.

Sincerely,

Austin Miller  
Planner I  
Development Services

cc: Project File

Margaret Dimmick  
*Commissioner/Chair*

Michael G. Irvan  
*Commissioner*

Jeff Ramey  
*Commissioner*



Shelley Young  
*Sr. Administrative  
Assistant*

November 4, 2016

Garden City Development Services - Planning

Re: Conditional Use Application CUPFY2017-1  
3275 Brown St.

This application is for a Conditional Use approval for a 1,000 square foot addition to an existing building.

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:*

Fire hydrants, capable of producing the required fire flow, shall be provided. A fire hydrant is located within required distance. Provide documentation of sufficient fire flow for the building including the new addition. (IFC 507.3, IFC B105.2, IFC C105).

*General Requirement:*

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

Regards,

Ron Johnson  
Division Chief – Assistant Fire Marshal  
Boise Fire Department



## B & A Engineers, Inc.

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

To: **Garden City Planning**

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

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

Date: 10 October 2016

Subject: **Future Investments, LLC  
CUPFY2017-1  
3275 Brown Street  
Planning & Zoning Comments**

Pages: 2

Media: Transmitted via E-mail

On behalf of Garden City, as the city engineer, we have completed our review of the application for the subject project. This application appears to modify the grounds exterior to the existing building and to construct a 1,027 building expansion to the existing structure on the site.

### ***General***

Comments regarding the project are provided below. Upon approval of the application and after submittal for a building permit, a complete plan review may be required.

Any approval of the project should be conditioned upon successfully addressing issues presented in this review.

### ***Erosion and Sediment Control***

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

### ***Ada County Highway District Approval***

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

### ***Fire District Approval***

Approval of the project by the North Ada County Fire and Rescue District will be required.

### ***Water and Sewer Connections***

If any new building connections are proposed for city water and sewer, specifics of those connections will have to be reviewed and approved by the city's Public Works Department. Water and sanitary service is provided by Garden City.

The applicant is responsible to verify that for sanitary sewer service, adequate depth of said service is available to the site.

The applicant is responsible to verify that adequate water system supply is available to provide domestic and fire suppression water needs.

### ***FEMA Work Maps***

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

### ***Site Grading and Drainage Plan***

The building addition project may require an entire site grading and drainage plan. It is not clear from the application if the proposed building addition will replace existing hard surface or cover a more permeable surface. More information is needed to ascertain the submittal requirements. Should a full storm water review be necessary, a storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by an Idaho licensed design professional will be required. Compliance with the storm water ordinance and policies of the city will be required.

Should a full storm water review be necessary, a site geotechnical report will be required for the design of the on-site storm water system. Said report must identify the depth to seasonal high groundwater, provide a profile of encountered soils and their infiltration rates. The report must also provide a design infiltration rate recommendation for the storm water system. The storm water design must provide for at least 3 feet of vertical separation between the bottom of the storm water facility and the seasonal high groundwater.

### ***Storm Water Operation and Management Agreement***

Should a full storm water review be necessary, the city requires that the landowner enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system be required from the landowner. The agreement must be fully executed, have conditionally approved plans attached and be recorded by the city with final plan approval.

### ***Irrigation Facilities***

Relocation of any existing irrigation facilities, if any, will require the approval of the entity in control of the facility. We have a copy of the 5 October 2016 letter from the Fairview Acres Lateral Water Users Association, Inc. that states "no impact".

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



**CENTRAL DISTRICT HEALTH DEPARTMENT**  
**Environmental Health Division**

Return to:

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

Rezone # \_\_\_\_\_

Conditional Use # CUPFY2017-1

Preliminary / Final / Short Plat \_\_\_\_\_

*City of 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: \_\_\_\_\_

*Rowi Bady*  
 Date: 10/27/16