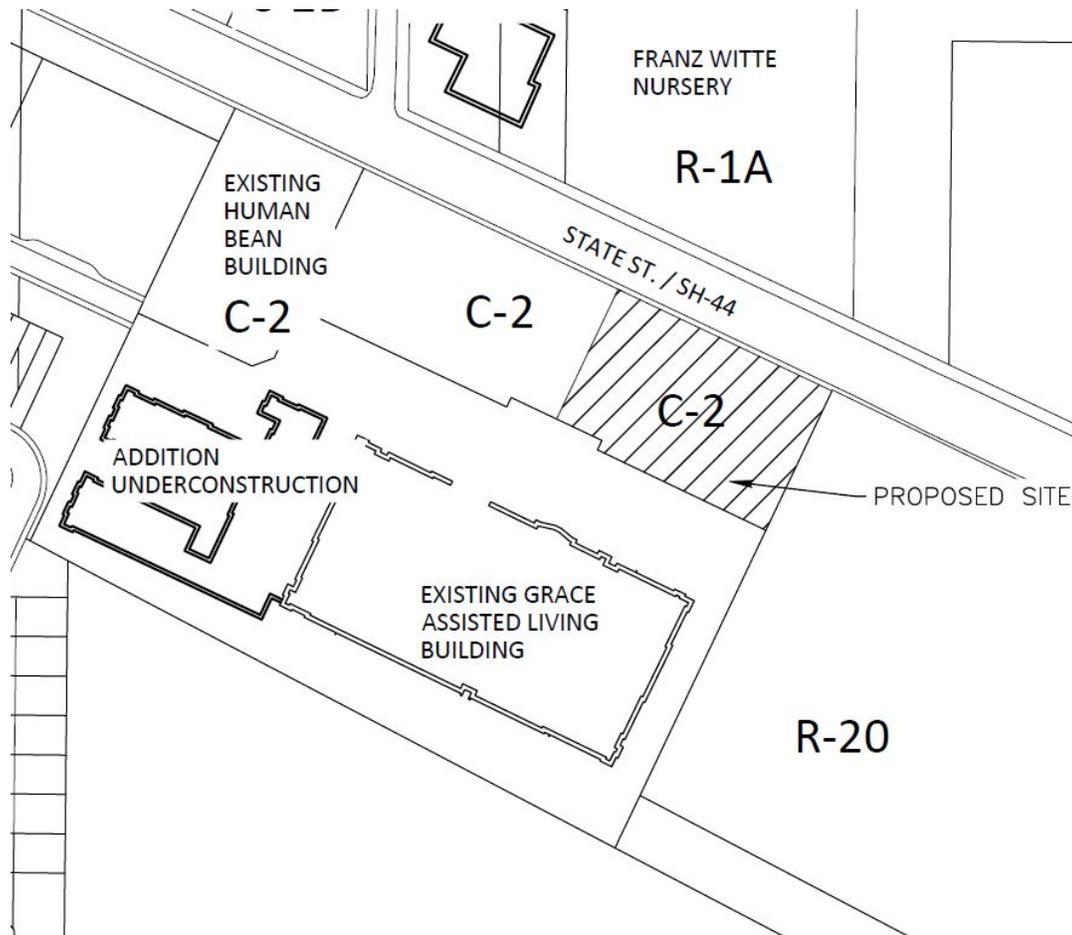




CITY OF GARDEN CITY

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

CUPFY2017-2
Conditional Use Permit
For:
Use: Grace Memory Care: A New Nursing and Residential Care Facility
Location: Ada County Tax Parcel S0514346740 (adjacent to 9995 W State Street), Garden City, Idaho
Applicant: Colter Kamo of Grace at State, LLC



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

City of Garden City
Planning and Zoning Commission Staff Report

Recommendation: Approval with conditions

Issues: The applicant has noted disagreement with the classification of critical facility. In the staff recommended Draft Findings of Fact Site Specific Conditions 5, 6 and 7 are recommended if the use is classified as a Critical Facility (highlighted in yellow) Site Specific Condition 8 would be deleted (highlighted in blue). If the use determined not to be classified as a Critical Facility it is recommended to delete Site Specific Conditions 5, 6 and 7 and replace with Condition 8.

Project Description:

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

Application File Number: CUPFY2017-2

Applicant: The applicant is Colter Kamo of Grace at State, LLC.

Location: Ada County Parcel Number S0514346740 adjacent to 9995 West State Street.

Requested Use: Nursing and Residential Care Facility.

Project Synopsis: The plan of the project is a request for a Conditional Use Permit approval of construction of a 31-unit Nursing and Residential Care Facility (approximately 7,800 interior square feet) at the 1.2 acre site at parcel number S0514346740 near 9995 W. State Street, Garden City, 83714, and is within the C-2 General Commercial Zoning District and the Green Boulevard Corridor Comprehensive Plan Land Use Designation. The Nursing and Residential Care facility will specialize in memory care living for seniors.

Existing Conditions:

- The subject property S0514346740 was legally subdivided through the Minor Land Division process as defined by Garden City Code. The lot is Lot B of file SUB2013-00002 Grace at State Street, Record of Survey No. 9901, instrument number 2014-073342 dated September 31, 2014.
- The lot was subsequently altered through Lot Line Adjustment Garden City file DEV2015-00008, record of survey 10402, instrument number 2016-014405 Dated February 22, 2016.
- The subject property is 1.2 acres (52,272 sq ft).
- The project is in the C-2 Zoning District.
- The project is located in the Green Boulevard Corridor Comprehensive Plan Land Use Designation.
- The subject property is within the 100 year floodplain designation.
- Surrounding Uses: Residential, Nursing and Residential Care Facility, Eating Establishment, Mortuary, Dwelling Single Family Attached and Dwelling Single Family Detached.
- Existing Use: Vacant Site.
- Existing Easements on file with Garden City include:
50' Canal Easement along the rear of the property.
30' New Union Irrigation Easement along the front and east side of the property.
- Access to the site is from Carlton Bay Road.
- There are sidewalks in good repair adjacent to the site along West State Street.

2CUPFY2017-2: Establishment of Grace Memory Care, a Nursing and Residential Care Facility at 9995 W State St.

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	
8-2C-31 Nursing and Residential Care Facility	Compliant as Conditioned
8-3B-5-6 Critical Facility	Compliant as Conditioned
8-4 Design and Development Regulations	Pending Decision of Design Review Committee
Comprehensive Plan Analysis	Compliant as Conditioned
Other Plans and Approvals Analysis	Compliant as Conditioned
Comments from Other Departments and Agencies	Compliant as Conditioned
GCC 8-6B-2 Conditional Use	Pending decision of Commission

Staff Analysis:

8-7A Definitions of Uses:

NURSING AND RESIDENTIAL CARE FACILITY: *The use of a site for providing assistance to two (2) or more individuals needed to perform the routines of daily life. The use includes, but is not limited to, children's treatment facility, assisted care skilled nursing facility, residential care facility, and drug and alcohol treatment facility.*

8-2B-1 Purpose:

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

GCC 8-2B-2 Allowed Uses: Compliant as Conditioned

Nursing and Residential Care is a conditional use in the C-2 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>
Nursing and residential care*		C	C	C	C	C		

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-31 NURSING AND RESIDENTIAL CARE FACILITIES: Complaint as Conditioned

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

- A. *Limitations: If the use results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by title Z, "Building Regulations", of this code.*
- B. *Additional Standards For Uses Providing Care To Children And Juveniles Under The Age Of Eighteen Years:*
 1. *All outdoor play areas shall be completely enclosed by a minimum six foot (6') nonscalable fence to secure against exit/entry by small children and to screen abutting properties.*
 2. *Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.*
 3. *Outdoor play areas in residential districts or uses adjacent to an existing residence shall not be used after dusk.*
- C. *Additional Standards For Uses Providing Care To Patients Who Suffer From Conditions That May Cause Disorientation: A barrier shall be provided with a minimum height of six feet (6') and patient safe door, along the perimeter of any portion of the site that is accessible to these patients.*
- D. *Other Regulations Apply: The owner and/or operator of the facility shall secure and maintain a license from the state of Idaho department of health and welfare, facility standards division.*

Title 8 Chapter 3

8-3B-5-6 CRITICAL FACILITY: Compliant as Conditioned

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet (3') or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

This use is a critical facility in that the occupants may need assistance in case of emergency. The entire proposed site is within the 100-year floodplain. As a recommended condition of approval the lowest floor shall be elevated three feet (3') or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Title 8 Chapter 4: Pending Decision of Design Review Committee

This application is required to be reviewed and approved by the Garden City Design Review Committee prior to approval of a building permit.

***Comprehensive Plan Analysis:* Complaint**

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 Green Boulevard Corridor Comprehensive Plan Land Use Designation.

GREEN BOULEVARD CORRIDOR: *The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors, but new uses which generate high volumes of vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.*

A new Nursing and Residential Care facility is proposed. The intent of the proposed establishment is intended to meet the needs of the community by providing additional housing for seniors. Goal 6 of the comprehensive plan is 'Diversity in Housing' which includes providing a variety of housing types in the Land Use Code. The new Nursing and Residential Care facility is a new use that shall not generate high volumes of vehicular traffic and would fit with the vision of the Green Boulevard Corridor Land Use Designation in the Comprehensive Plan.

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

Garden City Sewer Division has provided an email dated October 17, 2016 stating no concerns at this time regarding water and sewer.

Ada County Highway District (ACHD)

ACHD has provided a letter dated October 26, 2016 stating no comment on the site improvements because all proposed improvements are outside the 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 provided a letter dated November 4, 2016 stating fire hydrants, capable of producing the required fire flow, shall be provided. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. Specific building construction requirements of the International Building Code, International Fire Code will apply.

Garden City Engineer

The Garden City Engineer has provided a letter dated October 25, 2016. The parcel line shown on the site plan and noted as “future property line” does not appear to coincide with the parcel lines shown on Record of Survey No. 10402 – this must be resolved. The current line between parcels E and F on said Survey appears to run through the proposed building. We presume that the applicant is proposing to correct the property line to have the entire building on its own parcel. This will be a requirement of the city.

Central District Department of Health

The Central District Department of Health has provided a letter dated October 27, 2016 stating they may require plans be submitted for a plan review for any food establishment.

Summary of Comments from Public

There have been no written public comments received to date.

GARDEN CITY PLANNING AND ZONING COMMISSION

Nursing and Residential Care Facility

Parcel # S0514346740

CUPFY2017-2

) 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 Colter Kamo of Grace at State, LLC.
2. The property owner of record is Colter Kamo.
2. The request is for the use 'Nursing and Residential Care' as defined by Garden City Code 8-7A.
3. The location of the project is Ada County Tax parcel S0514346740 PORTION SE4SW4 SEC 14 4N 1E PAR F ROS 10402 #346720-B.
4. The subject property S0514346740 was legally subdivided through the Minor Land Division process as defined by Garden City Code. The lot is Lot B of file SUB2013-00002 Grace at State Street, Record of Survey No. 9901, instrument number 2014-073342 dated September 31, 2014.
5. The lot was subsequently altered through Lot Line Adjustment Garden City file DEV2015-00008, record of survey 10402, instrument number 2016-014405 Dated February 22, 2016.
6. The subject property is 1.2 ACRES (52,272 SQ FT).
7. The subject property is within the 100 year floodplain designation.
8. The project is in the C-2 Zoning District.
9. The project is located in the Green Boulevard Corridor Comprehensive Plan Land Use Designation.
10. 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-31 NURSING AND RESIDENTIAL CARE FACILITIES
GCC 8-3B-5-6 CRITICAL FACILITY
GCC 8-4 DESIGN AND DEVELOPMENT REGULATIONS
GCC 8-6B-2 CONDITIONAL USE
11. 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
12. 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
13. 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.
 14. On October 17, 2016 a letter of acceptance with hearing date was sent to the applicant.
 15. 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.
 16. A legal public hearing notice for the proposed conditional use permit application was published on October 20, 2016, and on **October 27, 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.**
 17. A sign was posted on November 2, 2016, in accordance with Garden City Code for the public hearing of November 16, 2016.
 18. 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 Green Boulevard Corridor Land Use Designation of the Garden City Comprehensive Plan. This proposal is congruent with the intent of the Green Boulevard Corridor 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:

- *Goal 6. Diversity in Housing*
- *6.3 Objective: Maintain the diversity of housing*
- *6.3.1 Provide for a variety of housing types in the Land Use Code including smaller cottage and second housing units. Allow for housing that attract niche markets such as senior housing, live-work structures, and cooperative housing.*

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Planning and Zoning Commission hereby does **APPROVE** CUPFY2017-2 Application for a 'Nursing and Residential Care Facility' located at Ada County parcel S0514346740 PORTION SE4SW4 SEC 14 4N 1E PAR F ROS 10402 #346720-B subject to the following conditions:

Site Specific Requirements

1. This application is required to be reviewed and approved by the Garden City Design Review Committee prior to approval of a building permit.
2. Should the facility provide care to children or juveniles under the age of eighteen years:
 - a. All outdoor play areas shall be completely enclosed by a minimum six foot (6') nonscalable fence to secure against exit/entry by small children and to screen abutting properties.
 - b. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.
 - c. Outdoor play areas in residential districts or uses adjacent to an existing residence shall not be used after dusk.
3. New onsite sidewalks from the main entrance of the facility shall be connected to the existing street sidewalks on West State Street.
4. The owner and/or operator of the facility shall secure and maintain a license from the state of Idaho department of health and welfare, facility standards division.
5. A barrier is required to be provided with a minimum height of six feet (6') and patient safe door, along the perimeter of any portion of the site that is accessible to patients that may suffer from conditions that may cause disorientation.
6. The lowest floor shall be elevated three feet (3') or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above.
7. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.
8. This facility is permitted to be constructed not as a critical facility. As such all residents shall be mentally and physically able to come and go from the facility without assistance and also be allowed to come and go from the facility at will and without assistance.
9. The applicant shall maintain all required licensing required by local and state laws. The owner and/or operator of the facility shall secure and maintain a license from the state of Idaho department of health and welfare, facility standards division.
10. The applicant shall maintain operational protocols at all times that address providing care to patients who suffer from conditions that may cause disorientation.
11. 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.

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.
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.

Chairman, Planning and Zoning Commission

Date



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

DEQ Response to Request for Environmental Comment

Date: 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 our technical staff at 208-373-0550.

Sincerely,



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

ec: TRIM 2016AEK105
File # 2226

From: Troy Vaughn
Sent: Monday, October 17, 2016 1:00 PM
To: Jenah Thornborrow; Erika Akin; building; Owen Nason
Subject: RE: Garden City Agency Notice

Good afternoon,
There are no concerns at this time regarding water and sewer.
Thanks,

From: planning
Sent: Monday, October 17, 2016 10:32 AM
To: Ken Couch; Colin Schmidt; Kevin Wallis; Lindsey Pettyjohn; Susanna Smith; 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; bujak.charissa@epa.gov; 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; 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; tmcorrow@spro.net; Tom Patterson; wbsdmb@qwestoffice.net
Subject: Garden City Agency Notice

Please note: There is one additional Conditional Use Permit, CUPFY2017-2 to be heard for the November 16th P+Z hearing. I also updated the distribution list.

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

CUPFY2017-2: Grace Memory Care represented by Colter Kamo of Grace at State, LLC and David Ruby of The Architects Office, PLLC is requesting a Conditional Use Permit approval of construction of a 31-unit Nursing and Residential Care Facility (approximately 7,800 interior square feet) at the 1.2 acre site at parcel number S0514346740 on 9995 State Street, Garden City, 83714, and is within the C-2 General Commercial Zoning District. Kamo_c@hotmail.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

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 or Development Services Department, 6015 Glenwood, Garden City, Idaho 83714



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

October 26, 2016

Colter Kamo
Grace Memory Care
4356 N. Nines Ridge Lane
Boise, ID 83702

**RE: CIF16-0037 / CUPFY2017-2 / Parcels: S0514346740 & S0514346721 / Grace Memory Care
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: \$23,004.00

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 CUPFY2017-2
9995 W. State St.

This application is for a Conditional Use approval for construction of a 30-unit Memory Care facility.

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. Fire hydrants, capable of producing the required fire flow, shall be provided. (IFC 507.3, IFC B105.2, IFC C105).
2. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)

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
Owen Nason
Stephanie Russell
Kevin Wallis
Troy Vaughn
Chas Heaton
Olesya Durfey**

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

Date: 25 October 2016

Subject: **Grace at State Street, LLC
CUPFY2017-2
9995 State Street
Planning & Zoning Comments**

Pages: 3

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 is comprised of a thirty unit building of new construction. The site appears to occupy portions of Parcel E and F shown on Record of Survey No. 10402.

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

New building 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 project will require a site grading and drainage plan. 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.

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 three feet of vertical separation between the bottom of the storm water facility and the seasonal high groundwater.

Storm Water Operation and Management Agreement

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. 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.

Parcel Boundary

The parcel line shown on the site plan and noted as “future property line” does not appear to coincide with the parcel lines shown on Record of Survey No. 10402 – this must be resolved. The current line between parcels E and F on said Survey appears to run through the proposed building. We presume that the applicant is proposing to correct the property line to have the entire building on its own parcel. This will be a requirement of the city.

Conditions/Restrictions on Record of Survey No. 10402

Record of Survey No. 10402 references various documents that impact the site. These would be easements, cross access agreements, covenants, and etcetera. The applicant and city is advised of the existence of such assets and encumbrances on the property.

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 # CLPFY2017-2

Preliminary / Final / Short Plat _____

Grace Memory Care
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
 - bedrock from original grade
 - waste flow characteristics
 - 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
 - interim sewage
 - individual sewage
 - community sewage system
 - central water
 - individual water
 - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage
 - sewage dry lines
 - community sewage system
 - central water
 - community 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 ^{may} ~~will~~ require plans be submitted for a plan review for any:
 - food establishment
 - beverage establishment
 - swimming pools or spas
 - grocery store
 - child care center
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. _____

Reviewed By: Row Boyd
 Date: 10/27/16