



July 22, 2020

City Council of Garden City

Mayor John Evans and Council President Pam Beaumont
6015 Glenwood Street
Garden City, ID 83714

**Re: Ada County Highway District
Adams Yard Salt/Sand Shed CUP Extension**

Dear Mayor Evans and President Beaumont,

Kimley-Horn and Associates, Inc. is pleased to submit this letter request on behalf of the **Ada County Highway District (ACHD)** to the **City Council of Garden City** (the "City") as a request for a time extension of the existing Conditional Use Permit (CUPFY2017-10) dated June 21, 2017. ACHD is respectfully seeking the City's approval for a one-year extension which would allow for the salt/sand structure to remain in its current location until June 11, 2022. The structure is located at 3730 Adams Street in Garden City, Idaho within Ada County. Per Site Specific Requirement No. 2 of the CUP, ACHD may seek a one-year extension if it is actively working to relocate the salt/sand shed structure.

As part of the same Site Specific Requirement No. 2, ACHD is allowed use of the structure for three years from the date of the Certificate of Occupancy. The Certificate of Occupancy was dated June 11, 2018. In Garden City Ordinance No. 1002-18, which was approved on January 28, 2019, Section 9 amends Title 8, Chapter 6, Article A, Section 8 ("Expiration of Approvals") of the Garden City Code. Subsection B lists requirements for the City Council to contemplate when granting a one-year extension. ACHD believes that it meets these requirements and that temporarily keeping the structure in its current location is in the best interests for the citizens of Ada County. The requirements are listed below:

1. Good cause for the request.
2. The application and/or applicable city regulations have not changed.
3. There have been no major changes in the neighborhood, plans or policies that would affect the compatibility of the project.
4. The subject property is compliant and has been compliant, or actively pursuing compliance with all City, State, and Federal codes and laws since the date of application.
5. It is determined by the City Council that it is in Garden City's best interest to grant the extension.

The Ada County Highway District is a special purpose district that was created in 1972 for the sole purpose of building and maintaining the roadway infrastructure within all of Ada County. One of their many responsibilities is to perform winter maintenance operations on the roadways to include anti-icing, plowing, and treating them with a salt/sand mixture. The Adams Yard provides an invaluable strategic location of the salt and sand storage to ensure rapid response to winter conditions in Garden City and the downtown core. In order to adequately serve and keep safe the citizens of Ada County after the incredible winter of 2016-17, ACHD recognized the need to increase its salt and sand storage capacity at both its Adams and Cloverdale yards. A permanent structure constructed with concrete walls, steel beams, and metal sheeting was built at Cloverdale in 2017. A similar structure was anticipated at

Adams in 2017. However, the City requested that the structure be constructed in a temporary, relocatable manner. ACHD purchased a fabric arch structure and placed it on a temporary concrete block foundation in 2018 to meet City requirements. Covering the sand and salt materials continues to be a requirement of the Environmental Protection Agency (EPA) to prevent these materials from inadvertently being transported/deposited into the Boise River.

ACHD purchased 23.7 acres of land in North Meridian on January 17, 2020 to construct another maintenance yard to better serve the growing areas within western Ada County. This site is currently going through the entitlement and rezoning processes with the City of Meridian. It is anticipated that the parcel will be fully entitled to begin master planning of the site later this year. Creating a fully functioning maintenance yard equipped with office space, garage and mechanic shop space, fuel tanks/islands, as well as material and equipment storage is a very expensive and time-consuming process. While ACHD certainly understands the importance getting this new yard up and running as quickly as possible, budget constraints and funding are greatly impacting the timing of this operation.

ACHD believes that there have been no significant changes to any City regulations, neighborhoods, plans, and/or policies around this parcel that would negatively impact adjacent parcels by allowing the structure to remain in place for an additional year. The structure continues to meet all of the applicable Site Specific Requirements when the Certificate of Occupancy was issued. ACHD is requesting this extension to allow for adequate planning time for the new maintenance yard site and to allocate the funds and resources required to begin its construction. By granting this additional year, the City Council of Garden City will be helping one of its partner agencies as well as all the taxpaying citizens within Ada County.

Respectfully submitted,

KIMLEY-HORN AND ASSOCIATES, INC.



Timothy P. Nicholson, P.E.

Project Manager

Enclosures:

1. CUPFY2017-10
2. Ordinance 1002-18
3. Certificate of Occupancy

BEFORE THE PLANNING AND ZONING COMMISSION
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)) Public Service Conditional Use Permit) 3775 (3770) Adams Street) Garden City, Ada County, Idaho) _____)	CUPFY2017-10 FINDINGS OF FACT, CONCLUSIONS OF LAW; AND DECISION
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THIS MATTER, came before the Garden City Planning And Zoning Commission for consideration on June 21, 2017. The Planning and Zoning Commission reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The applicant is CTA Architects Engineers - Angela Hansen.
2. The property owner of record is Ada County Highway District.
3. The application is for an expansion of a Public Service Facility.
4. The location of the project is 3775 (3770) Adams St., Ada County Parcel S1005141695; PAR #1695 in CTR POR NE4 SEC 5 3N 2E & OF Block 12 Fairview Acres #3.
5. The subject property is 5.85 acres.
6. The project is located in the Garden City C-2 General Commercial Zoning District.
7. The project is located in the Mixed Use Residential and Transit Oriented Development Node Buffer of the Garden City Comprehensive Plan Land Use Designation.
8. The existing use on the site is: Public Service Facility.
9. Current access to the site is from Adams Street.
10. There are no sidewalks along Reed St. and a partial sidewalk along Adams St.
11. The following sections of the Garden City Municipal Code apply to this proposal:

Standards	Compliant	Conclusions
GCC 8-7A Definitions of Uses	N/A	The definitions of uses that apply to this application are: Public Service
GCC 8-B-2 Purpose	No	The Purpose of the C-2 Zoning District is for activities that are more compatible with mixed use or residential uses. This structure is not compatible with residential or mixed-use.
GCC 8-2B-2 Allowed Uses	Yes	A <i>Public Service</i> establishment requires a conditional use permit in the C-2 Zoning District.
GCC 8-1B-3 Nonconforming Uses	Yes	Provided that all conditions of approval are met, this request is appropriate to allow ACHD to move towards compliance with relevant regulations.
8-3B-5-6 Critical Facility	No	This approval is only temporary and includes provisions to reduce flood risk.
8-3D Neighborhood	N/A	Discussed as vision set forth by code and

Commercial Node		ordinance that is applicable for this property. This code is not a regulatory requirement for this application.
Title 8 Chapter 4 Design and Development Regulations	No	As conditioned, and per authorities granted by Garden City Code, the Garden City Design Review Committee has approved the design of the application.
GCC 8-6B-2 Conditional Use	No	<ol style="list-style-type: none"> 1. The use is not appropriate to the location, the lot, and the neighborhood and should not be permanent at this location; 2. The use at this site may hinder services to Ada County, as conditioned these adverse impacts are mitigated; 3. The use will not unreasonably diminish either the health, safety or welfare of the community as conditioned; and 4. The use at this location is in conflict with the comprehensive plan and other adopted plans, and ordinances of the city and should not be permanent at this location.

12. Other studies, plans or approvals reviewed include:

Garden City Comprehensive Plan	No	<p>The proposal is not consistent with the comprehensive land use designations of Mixed Use Residential or Transportation Oriented Node. It is also in conflict with Garden City Comprehensive Plan Goals and Objectives:</p> <p><i>Goal 2. Improve the City Image</i></p> <p><i>1.4 Objective: Create a premier destination place to live, work and recreate.</i></p> <p><i>2.3 Objective: Promote quality design and architecturally interesting buildings.</i></p> <p><i>2.4 Objective: Improve the appearance of street corridors.</i></p> <p><i>Goal 3. Create a Heart for the City</i></p> <p><i>Goal 5. Focus on the River</i></p> <p><i>4.3 Objective: Beautify sidewalks and gateways with landscaping and trees.</i></p> <p><i>4.3.1 Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites.</i></p> <p><i>9.2 Objective: Protect riparian and flood</i></p>
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		<p>way areas.</p> <p>10.2 Objective: The Old Town site is a live-work district.</p> <p>10.5 Objective: Create a "Main Street" commercial district along portions of Adams Street and other neighborhood locations.</p> <p>The proposal is supported by the following goals and objectives:</p> <p>Goal 8. Maintain a Safe City</p> <p>9.1.1 Continue to enforce city codes for regulating or eliminating discharges from spills, dumping or disposal of waste materials, and reducing pollutants in storm water discharges.</p>
University of Idaho College of Art and Architecture Garden City Urban Centers Plan	NA	Discussed as an example of what would be appropriate at this location. Adherence to this plan is not a regulatory requirement for this application.
Garden City Planning And Zoning Commission Sidewalk Policy	No	In that this approval is temporary, permanent infrastructure improvements have not been required.
Comments from Other Departments and Agencies	Yes	This approval includes a condition requiring compliance and approval from applicable agencies.

13. A copy of the application and plans was transmitted to interested and affected public agencies and written comments were received from:
 - a. Garden City Engineer
 - b. Garden City Sewer
 - c. Central District Health Department
 - d. North Ada County Fire and Rescue
 - e. Ada County Highway District
 - f. Department of Environmental Quality

14. 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

15. The application was received May 8, 2017. 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.
16. On May 11, 2017 a letter of acceptance with hearing date was sent to the applicant.
17. A transmittal to other agencies including notice, application and other documents was sent on May 11, 2017 more than fifteen days prior to the public hearing.
18. A legal public hearing notice for the proposed conditional use permit application was published on June 6, 2017, and on May 11, 2017, 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.
19. A sign was posted on or before June 9, 2017, in accordance with Garden City Code for the public hearing of June 21, 2017.
20. On June 21, 2017, at the Planning and Zoning Commission public hearing:
 - a. Commissioner Brown recused himself.
 - b. Staff, Jenah Thornborrow presented the application.
 - c. The applicant, Angela Hansen and property representative Don Roell represented the application. The applicant requested the condition site specific #2 be amended to allow for an approval time of five years.
 - d. Steven Anderson testified in opposition to the application.
 - e. The Commission noted that the use is not changing that the structure is requested to be in compliance with an EPA regulation.
 - f. The application was approved 2/0

CONCLUSIONS OF LAW

The Planning and Zoning Commission reviewed the application with regard to Garden City Code Title 8, and based on the conditions required herein, concludes the application meet the standards of approval under **GCC 8-6B-2 Conditional Use**.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning and Zoning Commission hereby **APPROVES** of the application subject to the following conditions:

Prior to Occupancy

1. A building permit for the structure shall be applied for and approved by Garden City Development Services Department.
2. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
3. Verification that Don Roell and Timothy Morgan have signing authority as property owner or a revised affidavit of legal interest signed by the signing authority of the record owner of the property.
4. Prior to commencement of this use, a plan in case of flooding must be submitted to Garden City identifying:
 - a. That the structure is adequately anchored to withstand flooding and constructed and placed so as to offer the minimum resistance to the flow of floodwaters or that the structure will be removed immediately upon flood warning;
 - b. The level of the Boise River that shall be considered potential of flooding (i.e. 10,000 cfs at Glenwood Bridge)

- c. All stored materials shall be removed from the ACHD site immediately upon flood warning;
- d. The title, email, and phone number of the individual responsible for the removal of the temporary structure;
- e. Verification that ACHD will remove or a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure in case of flood warning;
- f. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure and materials will be moved in case of flood warning notification;
- g. The time frame prior to the event at which a structure will be permanently removed.

Site Specific Requirements for the Duration of the Use

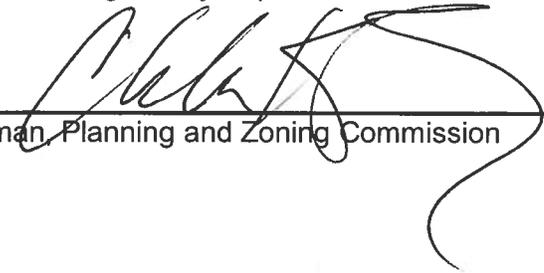
- 1. An 110'x120'x50' pre-engineered structure intended to cover sand and salt is approved provided all conditions of this decision are complied with. The purpose of the structure is to cover sand and salt currently stored on site. The structure is needed to be in compliance with EPA standards and protect the Boise River.
- 2. This approval is valid for three years from the date of Certificate of Occupancy. Should an extension be requested documentation shall be provided that ACHD is actively working to relocate the salt and sand storage. Garden City Development Services staff may approve extensions of this approval provided that the approval is extended for not more than one year.
- 3. The sand/salt and the structure must be removed once this approval is no longer valid.
- 4. The use must be in compliance with the approval from Garden City Design Review Committee approval dated May 22, 2017, file DSRFY2017-17.
- 5. The structure and all stored material must adhere to the required flood plan immediately upon flood warning notification.

General Requirements

- 1. 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. 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.
- 2. This Conditional Use Permit shall not be transferable from one parcel of land to another. Unless otherwise stated in the conditions attached to a permit, the permit shall be granted to the applicant and successors in interest to the premises for which it was approved.
- 3. 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.
- 4. 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.
- 5. 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.

6. 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.
7. 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.
8. The property owner is responsible to maintain the site to edge of roadway asphalt.
9. If there are any tree grates, they 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.
10. 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.
11. 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.
12. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
13. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan.
14. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
15. 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.
16. 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. 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.
17. The landscape installation shall stabilize all soil and slopes.
18. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
19. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
20. Property maintenance standards shall be maintained as required by Garden City Code 8-1C.
21. The property owner is responsible for the maintenance of all landscaping and screening devices required.
22. 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.
23. 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.
24. 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.

25. 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.
26. Any violation of the conditions of this application is a criminal offence.
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. A certificate of occupancy or an application for a building permit shall be considered commencement of the use.
29. All previous uses are null and void unless otherwise conditioned.
30. 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.
31. 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.
32. 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.
33. Final decisions are subject to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
34. A takings analysis pursuant to Idaho Code may be requested on final decisions.


Chairman, Planning and Zoning Commission

26 June 2017
Date

BY THE COUNCIL: BEAUMONT, HIGGINS, MITCHELL, AND SOUZA

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 7 (“BUILDING CODE”) TO AMEND THE FOLLOWING PROVISIONS: 7-1-6 PERMIT TIME LIMITATION AND EXPIRATION AND 7-1-7 PERMIT REACTIVATION. THIS ORDINANCE ALSO IS AMENDING GARDEN CITY CODE TITLE 8 (“DEVELOPMENT CODE”) TO AMEND THE FOLLOWING PROVISIONS: 8-2C BY ADDING SECTIONS FOR THE USES MOBILE SERVICE AND SPECIAL EVENTS ,8-2C-38 AMENDING CRITERIA RELATED TO TEMPORARY USES, 8-4A-3 FENCES AND WALLS, 8-4C-5 PROHIBITIONS [OF BUILDING MATERIALS], 8-5B-6 TERM OF [SUBDIVISION] PERMITS, 8-6A-8 EXPIRATION OF APPROVALS, 8-7A-1 DEFINITIONS OF USES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY, IDAHO:

SECTION 1. That Title 7, Chapter 1, Section 6 (“Permit Time Limitation and Expiration”), Garden City Code, be, and the same is hereby amended to read as follows:

A. Applications for which no permit is issued within one hundred eighty (180) days following the date of receipt of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed. The ~~administrator of building safety services or his or her designee~~City Council may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) calendar days on request by the applicant showing that circumstances beyond the control of the applicant have prevented ~~the~~ action from being taken.

B. Every permit issued shall expire and become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned if no inspection has been requested for a period of one hundred eighty (180) days after the work is commenced. The ~~administrator of building safety services or his or her designee~~City Council is authorized to grant, in writing, one or more extensions of time, for periods not more than ~~ninety-sixty~~ (9060) days each. The extension shall be requested in writing and ~~justifiable-good~~ cause shall be demonstrated.

SECTION 2. That Title 7, Chapter 1, Section 7 (“Permit Reactivation”), Garden City Code, be, and the same is hereby amended to read as follows:

A. Any expired permit may be reactivated for an additional one hundred eighty (180) days upon the payment of a fee totaling fifty percent (50%) of the permit fee that was established at the time of issuance. All projects whose permits are expired and are under consideration for reactivation will be subject to the codes in effect at the time of reactivation and may require plan review. If a re-review is required, plan review fees equal to that specified for a new project shall be assessed. Permits that have been expired for more than thirty (30) days are not eligible to be reactivated.

SECTION 3. That Title 8, Chapter 2, Article C, Garden City Code, add a new Section be, and the same is hereby amended to read as follows:

8-2C-47 Mobile Service:

A. Requirements and Limitations:

1. This use is exempt from permits under this title. Exemption from permits under this title does not waive the requirement of other City licenses and permits or as otherwise required by other governmental entities.
2. The vehicle from which the business or service is operated must be legally licensed through a department of transportation.

SECTION 4. That Title 8, Chapter 2, Article C, Garden City Code, add a new Section, be, and the same is hereby amended to read as follows:

8-2C-48 Special Event

A. Requirements and Limitations:

1. Special Events are exempt from permits under this title. Exemption from permits under this title does not waive the requirement of other licenses and permits such as liquor or building permits.
2. A special events permit must be obtained from the City. The City may impose requirements to ensure that the health and safety of the City is not compromised.
3. Special events may be allowed for a period not to exceed three (3) days total within any ninety (90) day period.
4. Any blocking of a road will require approval from the transportation authority.
5. Activities or uses of a site that are prohibited by this title shall be prohibited.
6. Uses of a site that require a conditional use permit shall be required to obtain a conditional use permit prior to the special event.
7. All applicable licenses and permits such as vendor's or central district health licensing requirements are required.

SECTION 5. That Title 8, Chapter 2, Article C, Section 38 ("Temporary Uses"), Garden City Code, be, and the same is hereby amended to read as follows:

A. Set backs: Site Design

1. Temporary Uses that are seeking permit renewal for the same temporary use at a location shall be considered a permanent use and shall be required to go through the Design Review process.
- 1.2. Structures and/or the display of merchandise shall comply with the setback requirements of the district within which it is located.

B. Site Layout:

- ~~2.3.~~ 1. Temporary structures and merchandise shall be displayed so as to not ~~to~~ interfere with the clear vision triangle. In no case shall items be displayed, or business conducted within the public right of way, unless otherwise authorized by the transportation authority.
- ~~3.4.~~ 2. Compressors, fans, pumps, and other motorized equipment shall be located or shielded to reduce noise levels to adjoining properties so as to not exceed 50 decibels at the property line.
- ~~4.~~ 5. ~~Except for the construction of a temporary office for model home sales, a~~ maximum of one structure in conjunction with the temporary use shall be allowed and may cover a maximum of five hundred (500) square feet.
6. No use shall be located on a site in a way that would block a private or public sidewalk.
7. A temporary use shall not result in the removal of any trees.

C. Parking and Access:

8. Adequate off-off-street parking shall be provided to serve the use.
9. The use shall not displace the required off-off-street parking spaces or loading areas of the permitted uses on the site.
10. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
11. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.

DB. Requirements and Limitations:

1. ~~Except for the construction of an office for model home sales, t~~he use shall not result in the construction of any permanent structures that would not otherwise be permitted subject to the provisions of this title.
2. The applicant shall provide notarized consent of the property owner.
- ~~2.3.~~ Any temporary structures shall be portable and completely removed from the premise at the end of the allowed time period.
4. Except as otherwise defined in this section, one temporary use is allowed on a property for a the specified period ~~not exceeding two (2) weeks in any twelve (12) month period from the date of issuance of a temporary use permit. For seasonal stands or events, t~~
- ~~3.5.~~ The temporary use permit shall specify a beginning and end date of the use.
- ~~4.6.~~ Any use of a temporary nature that does not meet the definition of a "temporary use" as defined in chapter 7, article A of this title shall be reviewed and permitted only as the use is allowed in the base zoning district.

7. All signs erected in association with the use shall be in compliance with the regulations for signs as set forth in chapter 4, article F, "Sign Provisions", of this title.
8. A building permit for temporary structures may be required as set forth in title 7, "Building Regulations", of this code.
9. Activities or uses of a site that are prohibited by this title shall be prohibited.
10. Activities or uses of a site that require a conditional use permit shall be required to obtain a conditional use permit prior to the commencement of the use.
11. No direct sales to customers while customers are in vehicles shall be allowed.
- 5-12. The sale or storage of alcohol is prohibited.

EC. Site Maintenance:

1. The site shall be returned to a clean condition after the termination of the use, including being free of debris and garbage.
2. All outdoor display of merchandise shall be in compliance with the standard set forth in subsection 8-1C-3N, "Outdoor Display Of Merchandise", of this title.
3. Unsold food products, ~~trees, greens, or and~~ debris generated by the use shall be properly disposed off the site.
4. Any vehicles that may be used in conjunction with the use must be
 - a. Legally licensed through a department of transportation;
 - b. Be immediately movable.
 - a-c. Completely removed from the premise at the termination of the permit.

FD. Standards for Specific Types of Temporary Uses

1. Additional Standards for Fireworks Stands:

- ~~1a. Prohibited:~~ The use shall be prohibited in residential districts.
- ~~2b. Other Standards Apply:~~
 - a- The applicant or owner shall obtain written approval of the fire authority and the Garden City police department.
 - c. -Dates of the fireworks sales shall comply with Idaho Code section 39-2606 and title 4, chapter 8 of this code.

G2. Additional Standards for ~~Model-model Home-home Salessales, And Construction construction Officeoffice, temporary storage, and construction staging areas:~~

- ~~1a.~~ The sales office shall be located on a lot within a subdivision or planned unit development.
- ~~2b.~~ The use of the sales office shall be limited to the sale of lots and/or dwellings within the development.

~~3c.~~ When required, the applicant or owner shall obtain a building permit to convert the sales office to a dwelling or shall remove the sales office within thirty (30) days of the sale or rent of the final lot or space.

~~4d.~~ Temporary buildings, construction trailers, temporary fences, equipment and materials may be permitted in any district during the period construction work is in progress, provided that the location and nature have been included as part of an approved permit. Such temporary facilities or equipment shall be removed within sixty (60) days of substantial completion of the construction work.

~~e.~~ Temporary storage not associated with a building permit or other City approval is limited to thirty (30) days per calendar year and is exempt from the temporary use permit.

~~H3.~~ Additional Standards For Seasonal Sale Of Agricultural And Food Products:

- ~~a.~~ Such sales are limited to a period of time not to exceed two (2) consecutive months for pumpkin and Christmas tree sales, and four (4) consecutive months per calendar year for other uses.
- ~~b.~~ Christmas tree lots shall be removed by January 1.

~~I.~~ Additional Standards For Arts, Entertainment Or Recreation Event:

- ~~1.~~ Events, such as festivals, carnivals, circuses, fairs, and amusement rides may be allowed in any nonresidential district for a period not to exceed two (2) weeks within any ninety (90) day period.
- ~~2.~~ The Garden City police department shall approve the location and access for any use in this category.

~~J4.~~ Additional Standards For Vendors Not Associated With An Arts, Entertainment Or Recreation Event:

- ~~1a.~~ The applicant shall provide notarized consent of the property owner.
- ~~2a.~~ The use shall be prohibited in residential districts.
- ~~3.~~ Signs shall only be allowed on the vending units and shall not exceed sixteen (16) square feet in area.
- ~~4b.~~ No direct sales to customers in vehicles shall be allowed.

~~K.~~ Other Standards Apply:

- ~~1.~~ All signs erected in association with the use shall be in compliance with the regulations for signs as set forth in chapter 4, article F, "Sign Provisions", of this title.
- ~~2.~~ All outdoor display of merchandise shall be in compliance with the standard set forth in subsection 8-1C-3N, "Outdoor Display Of Merchandise", of this title.
- ~~3.~~ A building permit for temporary structures may be required as set forth in title 7, "Building Regulations", of this code.

SECTION 6. That Title 8, Chapter 4, Article A, Section 3 (“Fences and Walls”), Garden City Code, be, and the same is hereby amended to read as follows:

A. A.— Applicability: All new fences shall be required to be in conformance with this section. Legal nonconforming fences may remain so as long as there are no significant improvements to the site or specifically conditioned in a conditional use permit.

A.B. Permit Required: Anyone constructing a fence or wall over six feet (6') in height, not in conjunction with a building permit for a principal use or building shall first obtain Design Review Committee approval and a building permit from the city prior to construction., or a Any fence located in the floodway shall secure a floodplain permit from the city prior to construction.

BC. Maximum Height Requirements:

1. Fences and walls located along a street frontage within the front yard setback: Three and one-half feet (3.5').

2. Fences and walls located within rear and interior side setbacks not adjacent to public rights-of-way: Six feet (6').

3. Fences and walls on residential property with rear and interior side yards located adjacent to commercial uses: Eight feet (8').

~~4. Fences and walls on corner properties: Six feet (6') with a minimum setback of ten feet (10') from the front property line.~~

4. The height of fences and walls shall be measured from the existing grade.

D. Setbacks:

1. Fences greater than three and one-half feet (3.5') shall be set back to be flush or behind the building frontage. Where there is no building frontage, fences greater than three and one-half feet (3.5') shall be set back minimally ten feet (10') from the back of sidewalk so as to allow for street trees and landscaping between the fence and the sidewalk.

~~GE. —Fences And Walls Subject To Design Review: The following fences and walls shall be approved through the design review process as set forth in section 8-6B-3, "Design Review Committee", of this title.~~

~~1. Electric And Barbed Wire Fencing: Electric and barbed wire fencing may be allowed in the LI, C base districts and around agricultural uses when: a) used as the top section~~

~~for security fencing; and b) located a minimum of six feet (6') above grade to the bottom wire.~~

~~2. Prohibited Fencing Materials: The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other like unsightly materials for fencing shall be prohibited. unless an application is made to design review committee and the committee finds the fence to be compliant with the following:~~

~~1. Implement the vision as set forth in the comprehensive plan; and~~

~~2. Demonstrate that the fence provides significant creativity and uniqueness, and the intent is not to merely evade the provisions set forth in this section, or can demonstrate that the fence is an established icon that enhances the community's assets more than a fence complying with the requirements set forth in this section; and~~

~~5. Demonstrate that it is constructed of professional and durable materials, and are not intended to be of temporary nature.~~

SECTION 7. That Title 8, Chapter 4, Article C, Section 5, Subsection B (“Prohibitions”), Garden City Code, be, and the same is hereby amended to read as follows:

A. Stylized Buildings: Garden City respects that independent businesses, corporations and franchises use specific architectural designs to identify their businesses and attract customers. The city encourages independent businesses, corporations and franchises to build locations in Garden City using architectural designs that comply with this code, conform to the city's comprehensive plan and goals, and complement surrounding structures. All new business, corporate and franchise designs will be reviewed on a case by case basis by the design review committee to assure compliance with these plans and goals.

Figure 8-4C-16



Example Of Stylized Building

B. *Visible False Fronts: False fronts that are not tied into the rest of the building, that are designed so that the ends are visibly separate from the building.*

Figure 8-4C-17



Example Of Visible False Front

C. *Metal Buildings/Prefabricated Structures:*

1. Principle and accessory structures visible from the right-of-way that are made of prefabricated materials such as shipping containers or pre-engineered metal buildings unless they contain architectural features and a variety of materials so that they lose the appearance of being a prefabricated structure. Metal buildings should be prohibited except within the light industrial (LI) base zoning district.

D. *Prohibited Materials: ~~Chainlink fence and crushed~~ Crushed colored rock/crushed tumble glass are prohibited site improvement materials unless it is found that the material is insignificant in the design or provides significant creativity and uniqueness.*

SECTION 8. That Title 8, Chapter 5, Article B, Section 6 (“Term of [Subdivision] Permits”), Garden City Code, be, and the same is hereby amended to read as follows:

A. Failure To Submit Final Subdivision: Approval of a preliminary subdivision and combined preliminary and final subdivision shall become null and void if ~~the applicant fails to record~~ a final subdivision has not been signed by the city clerk and engineer within one year of the approval of the preliminary subdivision; or one year of the combined preliminary and final subdivision unless an extension or phasing plan is approved by City Council.

~~B.— Phased Development: In the event that the development of the preliminary subdivision is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary subdivision, such phases, if submitted within successive intervals of one year, may be considered for final approval without resubmission for preliminary subdivision approval; or the applicant may request time extensions at yearly intervals for a period of time not to exceed five (5) years.~~

~~C.— Authorize Extension: Upon written request and filed by the applicant prior to the termination of the period in accord with subsection A of this section, the planning official may authorize a single extension of time to record the final subdivision not to exceed one year provided justifiable cause is demonstrated. Additional time extensions up to one year as determined and approved by the city council may be granted. With all extensions, the planning official or city council may require the preliminary subdivision or combined preliminary and final subdivision to comply with the current provisions of this title. No approval shall be extended more than four (4) years beyond the original approval.~~

~~D.— Failure To Meet Timetable: If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the subdivision procedure again.~~

SECTION 9. That Title 8, Chapter 6, Article A, Section 8 (“Expiration of Approvals”), Garden City Code, be, and the same is hereby amended to read as follows:

A. All application approvals shall expire three hundred sixty five (365) days from the date of approval unless:

- 1) the city issues a building permit for the proposed improvement, development, or use prior to the expiration of the three hundred sixty five (365) day period; or
 - 2) by condition of approval or development agreement, a time period for completion of the application has been specified; or
 - 3) a certificate of compliance has been issued; or
 - 4) The final plat of a subdivision approval is recorded with Ada County; or
- otherwise defined by section 8-5B-6 of this title.

~~B.— Provided applicable regulations have not changed; one extension may be granted by staff not to exceed one hundred eighty (180) days.~~

~~GB. The approving body, or planning and zoning commission if staff was the approving body, City Council may allow for additional an extensions of -not more than three hundred sixty-five (365) days provided that they find:~~

~~1. Good cause for the request; and~~

~~2. The application and/or applicable city regulations have not changed; and~~

~~4.3. There has been no major change in the neighborhood, plans, or policies that would affect the compatibility of the project; and~~

~~2. The subject property is compliant and has been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application; and~~

~~3. It is determined by the City Council that it is in Garden City's best interest to grant the extension. Justifiable cause shall be demonstrated. An extension shall not be granted for more than three hundred sixty five (365) days.~~

~~4. Justifiable cause shall be demonstrated.~~

~~5. A request for an extension is no guarantee that the extension will be granted. No permit shall be extended more than four (4) years beyond the original approval.~~

SECTION 10. That Title 8, Chapter 7, Article A, Section 1 ("Definitions of Uses"), Garden City Code, be, and the same is hereby amended to amend the following definition:

Temporary Use: The use of a site for more than three (3) days and less than nine-three (93) consecutive months unless otherwise specified by standards specified for specific types of Temporary Uses in this Title. ~~Produce stands and mobile, nonmotorized food carts are exempt from vendor licensing under section 3-4-4 of this code.~~

SECTION 11. That Title 8, Chapter 7, Article A, Section 1 ("Definitions of Uses"), Garden City Code, be, and the same is hereby amended to add the following uses and definitions:

Special Event: A temporary use that is open to the public that lasts three days or less.

Mobile Service: A business or service that is operated from a vehicle or trailer, and is at a given location for less than 24 hours. Examples of mobile services may include food trucks, mobile veterinary services, or mobile medical services. This use as defined in this Title does not include the parking or storage of the vehicle or trailer when the service is not in operation.

SECTION 12. All ordinances of the City of Garden City that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 13. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 14. This ordinance shall be in full force and effect from and after passage, approval, and publication.

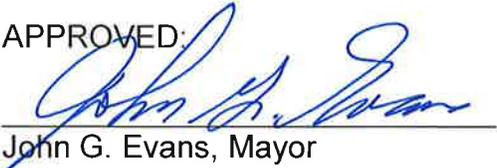
PASSED by the City Council and **APPROVED** by the Mayor of Garden City, Idaho, this 28th day of January, 2019.

ATTEST:



Lisa M. Leiby, City Clerk

APPROVED:



John G. Evans, Mayor



City of Garden City

6015 Glenwood Street
Garden City, ID 83714
(208) 472-2921 Fax (208) 472-2996
building@gardencityidaho.org

Certificate of Occupancy



Permit Number: BLDIFY2017-0284 for 3700 Adams St. Unit #3730 Issued 6-11-2018

Applicant: Stephanie Wilkins with Western Specialty Structures LLC

Project Name: 3700 Adams St. Unit #3730

Name and address of Owner or Owner's authorized agent: Ada County Highway District, Timothy Morgan, 3775 Adams St., Garden City, ID

Description of work: New Construction – ACHD Sand/Salt Enclosure

Zoning: C-2 **Overlays:** N/A

Zoning Use: Public Service Facility

Required Zoning Permits Approved: CUPFY2017-10 and DSRFY2017-17

Building Use and Occupancy: S1

Type of Construction: VB

Design Occupant Load: 26

Automatic Sprinkler Required: No **Provided:** No

Current Building Official: Arlan Smith

IBC 2012

Stipulations, Conditions, Other:

Area: 13,200 SF

Permit for installation of membrane structure for sand and ACHD facility.

Matthew Mowque 6/11/18

Development Services

This project is found by applicable reviewers to be in substantial compliance with the current adopted versions of Garden City Codes.

*A Certificate of Compliance as an alternate to a Certificate of Occupancy for a previously occupied space, when no work or only cosmetic minor work has been done prior to occupancy. A Certificate of Compliance is issued for a scope of work permit reviewing basic life safety and use regulations that is utilized in place of a Certificate of Occupancy. An Issuance of a Certificate of Compliance does not ensure that the structure has been reviewed to ensure compliance with all current adopted code requirements. Issuance of a Certificate of Compliance or Certificate of Occupancy shall not be construed as an approval of a violation of any regulation.

This Card Must Be Posted in a Conspicuous Place