



Project/File: GC19-0022 / SAPFY2019-1 / 34th Street Specific Area Plan

The applicant is requesting a specific area plan to guide the future redevelopment of the 34th Street area.

Lead Agency: Garden City

Site address: 34th Street, Carr Street & Clay Street

Staff Approval: August 2, 2019

Applicant: Hannah Ball
Urban Willow LLC
215 E. 34th St.
Garden City, ID 83714

Representative: Sherry McKibben
McKibben Cooper Architects
519 W. Hays St.
Boise, ID 83702

Staff Contact: Austin Miller
Phone: 387-6335
E-mail: amiller@achdidaho.org



A. Findings of Fact

1. **Description of Application:** The applicant is requesting a specific area plan to guide the future redevelopment of the 34th Street area. The proposed area includes 33rd, 34th and 35th Street (between Chinden Boulevard and the Boise River) as well as Carr, Clay and Osage (between 33rd and 35th Street). Properties in this area are primarily zoned as an Area Business District (C-2), consistent with Garden City's comprehensive plan designation of Live/Work/Create District.
2. **Transit:** Transit services are available to serve this site, via route 8x and 11.
3. **New Center Lane Miles:** The proposed development includes 0 centerline miles of new public road.
4. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
5. **Capital Improvements Plan (CIP) / Integrated Five Year Work Plan (IFYWP):**
 - The intersection of Chinden Boulevard and 36th/Orchard Street is listed in the CIP to be widened to 4-lanes on the north leg, 5-lanes on the south, 7-lanes east, and 8-lanes on the west leg, between 2031 and 2035.

B. Traffic Findings for Consideration

1. **Trip Generation:** This following table includes trip generation rates for anticipated land uses, based on the Institute of Transportation Engineers Trip Generation Manual, 10th edition.

Land Use	Unit of Measurement	Average Daily Trips	PM Peak Hour Trip Generation
Multifamily Housing (1-2 stories)	Per Dwelling Unit	7.32	0.56
Multifamily Housing (3+ stories)	Per Dwelling Unit	5.44	0.44
Mid-Rise Residential w/ 1 st Floor Commercial	Per Dwelling Unit	3.44	0.36
High-Turnover Restaurant	Per 1,000 SF	112.18	9.77
Supermarket	Per 1,000 SF	106.78	9.24
Food Cart Pod	Per Food Cart	N/A	3.08
Shopping Center	Per 1,000 SF	37.75	3.81

2. **Condition of Area Roadways**

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
*State Highway 20 Chinden Boulevard	Principal Arterial	1,294	N/A
36 th Street	Collector	191	Better than "E"
34 th Street	Local	N/A	N/A

* ACHD does not set level of service thresholds for State Highways.

** Acceptable level of service for a two-lane collector is "D" (425 VPH).

***Acceptable average daily traffic on local streets should not exceed 2,000.

3. **Average Daily Traffic Count (VDT)**

Average daily traffic counts are based on ACHD's most current traffic counts.

- The average daily traffic count for Chinden Boulevard west of 32nd Street was 31,125 on December 31, 2018.
- The average daily traffic count for 36th Street north of Chinden Boulevard was 3,357 on April 17, 2018.
- There are no current traffic counts for 34th Street.

C. Findings for Consideration

1. **34th Street & Carr Street**

- a. **Policy:**

Commercial Roadway Policy: District Policy 7208.2.1 states that the developer is responsible for improving all commercial street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Policy: District Policy 7208.5 states that right-of-way widths for new commercial streets shall typically be 50 and 70-foot wide and that the standard street section will vary depending on the need for a center turn lane, bike lanes, volumes, percentage of truck traffic, and/or on-street parking.

- A 36-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and on-street parking.
- A 40-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane.
- A 46-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane and bike lanes.

Sidewalk Policy: District Policy 7208.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all commercial streets. If a separated sidewalk is proposed, a parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.)

Half Street Policy: District Policy 7208.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

Landscape Medians Policy: District policy 7208.5.15 states that landscape medians are permissible where adequate pavement width is provided on each side of the median to accommodate the travel lanes and where the following is provided:

- The median is platted as right-of-way owned by ACHD.
- The width of an island near an intersection is 12-feet maximum for a minimum distance of 150-feet. Beyond the 150-feet, the island may increase to a maximum width of 30-feet.
- At an intersection that is signalized or is to be signalized in the future, the median width shall be reduced to accommodate the necessary turn lane storage and tapers.
- The Developer or Homeowners Association shall apply for a license agreement if landscaping is to be placed within these medians.
- The license agreement shall contain the District's requirements of the developer including, but not limited to, a "hold harmless" clause; requirements for maintenance by the developer; liability insurance requirements; and restrictions.

- Vertical curbs are required around the perimeter of any raised median. Gutters shall slope away from the curb to prevent ponding.

Speed Control and Traffic Calming Policy: District policy 7208.3.7 states that the design of commercial street systems should discourage excessive speeds by using passive design elements. If the design or layout of a development is anticipated to necessitate future traffic calming implementation by the District, then the District will require changes to the layout and/or the addition of passive design elements such as horizontal curves, bulb-outs, chokers, etc. The District will also consider texture changes to the roadway surface (i.e. stamped concrete) as a passive design element. These alternative methods may require a maintenance and/or license agreement.

- b. Applicant's Proposal:** The applicant is proposing to improve 34th Street and Carr Street with two travel lanes, vertical curb, gutter and attached 7-foot wide concrete sidewalks. The applicant has requested a modification of District policy which requires a 36-foot street section to allow a 42-foot street section to provide 26-feet of clear space between the on-street parking lanes to accommodate an aerial ladder truck.

The applicant is proposing to construct 33rd Street, 35th Street and Clay Street as 36-foot street sections, with vertical curb, gutter and 5-foot wide detached concrete sidewalk.

The applicant is not proposing to dedicate additional right-of-way.

Permeable pavers are proposed within the parking lanes on both sides of the street, but not within the travel lanes.

Bulb-outs are proposed at the intersections.

The applicant's proposal includes decorative painted crosswalks.

Sharrows are proposed to be installed on 34th Street and Carr Street.

- c. Staff Comments/Recommendations:** The applicant's proposal to construct 34th Street and Carr Street as 42-foot street sections does not meet District policy which requires 2-lane commercial roadways to be constructed as 36-foot street sections. Staff is in support of the applicant's proposal as the modification is needed to provide emergency services. Additionally, the applicant is proposing to use bulb outs and a texture change in the roadway surface, both are acceptable traffic calming methods.

Due to the 26-feet of clear space between the on-street parking lanes required by the fire department, NO PARKING signs should be installed on 34th Street and Carr Street to assure fire access is provided once development begins in this area. The signs will only be required on the side of the street that is being developed/improved and can be removed once the opposite side of the street is constructed, providing the 26-foot of unobstructed space required for emergency services.

The applicant's proposal to construct 33rd Street, 35th Street and Clay Street as 36-foot street sections, with vertical curb, gutter and 5-foot wide detached concrete sidewalk meets District policy and should be approved as proposed.

Brass caps should be installed at property pin locations.

Bulb-outs should be constructed with a minimum 18-foot curb radius and a minimum of 24-feet of pavement should be provided between bulb-outs.

A minimum of 225-foot sight lines should be maintained from all public street intersections.

Permeable pavers should be constructed consistent with ACHD Stormwater Design Manual – Section 8200.

The proposed decorative painted crosswalks won't be accepted by ACHD. Crosswalk striping should be compliant with the MUTCD and is subject to ACHD Traffic Services review of a development application.

ACHD staff does not oppose sharrows in this area, however, the location and installation timing should be coordinated with ACHD traffic services during review of development applications.

A license agreement is required for all artwork, amenities and landscaping proposed to be located within the public right-of-way.

A minimum clear sight distance of 225-feet should be provided from all public street intersections.

2. Alleys

a. Policy:

New Alley Policy: District Policy 7210.3.1 requires the minimum right-of-way width for all new residential alleys shall be a minimum of 16-feet or a maximum of 20-feet. If the residential alley is 16-feet in width building setbacks required by the land use agency having jurisdiction shall provide sufficient space for the safe backing of vehicles into the alley (see Section 7210.3.3). The minimum right-of-way width for all new commercial or mixed-use alleys shall be 20-feet. All alleys shall be improved by paving the full width and length of the right-of-way.

Dedication of clear title to the right-of-way and the improvement of the alley, and acceptance of the improvement by the District as meeting its construction standards, are required for all alleys contained in a proposed development.

Alley Length Policy: District Policy 7210.3.2 states that alleys shall be no longer than 700-feet in length. If the lead land use agency having jurisdiction requires a shorter block length, the alley shall be no longer than the agency's required block length.

Alley Parking & Setbacks Policy: District Policy 7210.3.3 states that parking within the alley right-of-way is prohibited. "No Parking" signs are required to be installed by the developer. The signs should be located at the alley/street intersections. Parking which is entered from the alley shall be designed so the minimum clear distance from the back of the parking stall to the opposite side of the alley is 20-feet for all perpendicular parking.

Setbacks for structures taking access from the alley should be closely coordinated with the lead land use agency. The setbacks shall either discourage parking within the alley (where it may partially block or occur within the right-of-way) or allow adequate area for one perpendicular parking pad. In order to discourage parking, building setbacks shall be minimal from the alley right-of-way line, while still achieving the required 20-feet of back-up space from a garage or other parking structure to the opposite side of the alley (i.e. 4-foot setback + 16-foot alley= 20-feet for back-up space).

Alley Intersections and Offsets Policy: District policy 7210.3.7 states that alleys should intersect public streets at each end. In specific circumstances as outlined in the policies below, the District may consider allowing an alley to intersect a public street at only one end. A 90-degree angle of intersection shall be designed where practical. In no case shall the intersecting angle be less than 75-degrees, as measured from centerline of intersecting street. An access to an alley shall be located a minimum of 50-feet from the nearest street (as measured centerline to centerline).

Alley/Local Street Intersections Policy: District Policy 7210.3.7.2 states that alleys may intersect all types of local streets including minor local streets. Alleys shall generally be designed with a curb cut type approach when intersecting a local street. Alleys shall generally intersect streets in the middle of the block equally offsetting the intersecting streets. Alleys shall either align with alley/street intersections or provide a minimum 100-foot offset (measured centerline to centerline) from other local street intersections. For alley intersections with local

streets, the District may consider a reduced offset if the lead land use agency's required lot size allows for shorter buildable lots.

- b. **Applicant Proposal:** The applicant is proposing to construct private alleys.
- c. **Staff Comments/Recommendations:** The alleys depicted do not meet the requirements of a public alley and would not be accepted by ACHD. The applicant's proposal for private alleys internal to the site meets District policy and should be approved as proposed. Alley/public road intersections will be reviewed for compliance with District policy with future development applications.

3. Driveways

4.1 Internal Local Streets

a. Policy:

Driveway Location Policy: District policy 7208.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector/arterial or arterial street intersection.

Successive Driveways: District Policy 7208.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

Driveway Width Policy: District policy 7208.4.3 restricts commercial driveways to a maximum width of 40-feet. Most commercial driveways will be constructed as curb-cut type facilities.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7208.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

- b. **Staff Comments/Recommendations:** Driveway locations will be reviewed for compliance with District policy with future development applications.

4. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

5. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

D. Staff Comments and Recommendations

For the current application, ACHD is a recommending body to Garden City. ACHD will review future preliminary plat applications and provide site specific conditions of approval consistent with these recommendations with each future preliminary plat prior to any roadway construction, or scheduling of a final plat for signature.

- 1. Construct 34th Street and Carr Street as 42-foot street sections with two travel lanes, vertical curb, gutter and attached 7-foot wide concrete sidewalks within 50-feet of right-of-way.

2. Install NO PARKING signs on 34th Street and Carr Street to assure fire access is provided once development begins in this area. The signs will only be required on the side of the street that is being developed/improved and can be removed once the opposite side of the street is constructed, providing the 26-foot of unobstructed space for emergency services.
3. Construct 33rd Street, 35th Street and Clay Street as 36-foot street sections with vertical curb, gutter and 5-foot wide detached concrete sidewalk within 50-feet of right-of-way.
4. Brass caps should be installed at property pin locations within public sidewalks.
5. Construct bulb-outs with a minimum 18-foot curb radius and a minimum of 24-feet of pavement provided between bulb-outs.
6. Maintain 225-foot sight lines from all public street intersections.
7. Construct permeable pavers consistent with ACHD Stormwater Design Manual – Section 8200.
8. The proposed decorative painted crosswalks won't be accepted by ACHD. Crosswalk striping should be compliant with the MUTCD.
9. The location and installation timing of sharrows should be coordinated with ACHD traffic services during review of development applications.
10. Provide a license agreement for all artwork, amenities and landscaping proposed to be located within the public right-of-way.
11. Provide a minimum clear sight distance of 225-feet should from all public street intersections.
12. Private alley/public road intersections will be reviewed for compliance with District policy with future development applications.
13. Driveways will be reviewed for compliance with District policy with future development applications.
14. Payment of impact fees is due prior to issuance of a building permit.
15. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

G. Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal Guidelines

VICINITY MAP



SITE PLAN



Ada County Utility Coordinating Council

Developer/Local Improvement District Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.

Development Process Checklist

Items Completed to Date:

- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD **Planning Review Section** will receive the development application to review
- The **Planning Review Section** will do one of the following:
 - Send a “**No Review**” letter to the applicant stating that there are no site specific conditions of approval at this time.
 - Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
 - Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

- For **ALL** development applications, including those receiving a “**No Review**” letter:
 - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
 - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:

Construction (Non-Subdivisions)

Driveway or Property Approach(s)

- Submit a “Driveway Approach Request” form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

Working in the ACHD Right-of-Way

- Four business days prior to starting work have a bonded contractor submit a “Temporary Highway Use Permit Application” to ACHD Construction – Permits along with:
 - a) Traffic Control Plan
 - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50’ or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)

Sediment & Erosion Submittal

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

Idaho Power Company

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

- Final Approval from Development Services is required** prior to scheduling a Pre-Con.

Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
 - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
 - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
 - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
 - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
 - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

From: [Jenah Thornborrow](#)
To: [Christian Samples](#)
Cc: ["sherrym@mckibbencooper.com"](mailto:sherrym@mckibbencooper.com); ["hannahballcan@gmail.com"](mailto:hannahballcan@gmail.com)
Subject: FW: OOPS! (UNCLASSIFIED)
Date: Thursday, July 18, 2019 2:18:55 PM

For the file/ your records.

From: Hobbs, Brandon W CIV USARMY CENWW (USA) <Brandon.W.Hobbs@usace.army.mil>
Sent: Friday, June 28, 2019 3:41 PM
To: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: RE: OOPS! (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hi Jenah,

Yes, my pile of stuff to do is tippy, so it isn't hard for things to fall off of it and not be on top anymore. Good intentions are not the same as a paperweight, perhaps. (Ironically, as I was typing that, I did bump something on my desk and a couple things did fall off...)

At any rate, I am not seeing one of the drawings/plans that I was expecting to find in our project folder and Nathan is gone until Monday, so I'm going to give you the "worst case" scenario for the area in question for an earthen levee. If we assume a 6 ft high levee, with a 10 ft top and appropriate side slopes, and the 15 ft clear easement behind it for access, you get a base width of 49 ft (call it 50). Just in case, for construction or perhaps a desire to have a wider path than that on top, I might pick a higher number and say 60 ft. I believe those numbers are less than your required setback distance from the river, so hopefully that means it is compatible and won't end up being a problem.

Have a great weekend!

Brandon

Brandon W. Hobbs, P.E., CFM
Project Manager/Idaho Outreach Coordinator
Idaho Silver Jackets Coordinator
Walla Walla District | U.S. Army Corps of Engineers

Phone: 208.433.4463

Cell: 208.859.7374

-----Original Message-----

From: Jenah Thornborrow [<mailto:jthorn@GARDENCITYIDAHO.ORG>]

Sent: Wednesday, June 26, 2019 5:34 PM

To: Hobbs, Brandon W CIV USARMY CENWW (USA) <Brandon.W.Hobbs@usace.army.mil>
Subject: [Non-DoD Source] RE: OOPS! (UNCLASSIFIED)

Thanks for touching base Brandon. I am glad to hear that others occasionally will let things slip if they are not at the top of the pile too.

If you would still be willing to provide your best guess, it would be greatly appreciated!

Appreciatively,

Jenah E. Thornborrow, AICP

Director

Development Services, Garden City

p:

(208) 472-2921

a:

6015 Glenwood, Garden City, ID 83714

w:

Blockedwww.gardencityidaho.org/ <Blocked<http://www.gardencityidaho.org/>> e:
planning@gardencityidaho.org <<mailto:planning@gardencityidaho.org>>

<Blocked<https://www.facebook.com/gardencityidahocityhall/>>

<Blocked<https://twitter.com/GardenCityIdaho>>

<Blocked<https://www.instagram.com/gardencityidaho/>>

From: Hobbs, Brandon W CIV USARMY CENWW (USA) <Brandon.W.Hobbs@usace.army.mil>
Sent: Wednesday, June 26, 2019 3:44 PM
To: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: OOPS! (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hi Jenah,

I just realized that I never sent you the dimensions for the levees! I didn't do it that afternoon, and one thing led to another, and it eventually fell out of my brain to do. Please accept my apologies on that. Is it too late at this point, or is that something I could still get for you and be useful? I feel bad that I let it slip!

On another note, I haven't done the abstract for NORFMA yet, but intend to do so. The deadline was extended to July 15, so naturally the rush for that went away too...

Thanks,
Brandon

Brandon W. Hobbs, P.E., CFM
Project Manager/Idaho Outreach Coordinator Idaho Silver Jackets Coordinator Walla Walla District |
U.S. Army Corps of Engineers

Boise Field Office
720 Park Blvd, Suite 245
Boise, ID 83712

Phone: 208.433.4463
Cell: 208.859.7374

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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: July 11, 2019
Agency Requesting Comments: Garden City
Date Request Received: June 28, 2019
Applicant/Description: SAPFY2019-1/PUDFY2019-1

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).*

All property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.

DEQ recommends the city/county require the development and submittal of a dust prevention and control plan prior to approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.

*Information on fugitive dust control plans can be found at:
http://www.deq.idaho.gov/media/61833-dust_control_plan.pdf*

Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.

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

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 Albert Crawshaw, 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@deg.idaho.gov
Regional Administrator
Boise Regional Office
Idaho Department of Environmental Quality

ec: CM#2019AEK124

From: [D3 Development Services](#)
To: [Christian Samples](#)
Cc: sherrym@mckibbencooper.com
Subject: SAPFY2019-1/ PUDFY2019-1 Specific Area Plan and Planned Unit Development Application- 34th Street Area
Date: Friday, July 12, 2019 11:09:07 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning,

ITD has received application SAPFY2019-1/PUDFY2019-1 for review. The plan indicates future development and changes in the property fronting US-20/26 (Chinden Boulevard). Applicant must apply for and receive an approved right-of-way use permit prior to doing any work or activity within the highway right-of-way. When the abutting parcel develops please contact Shona Tonkin at 208-334-8341 for this permit. Provided the appropriate permits are obtained prior to any work in the State Highway right-of-way, ITD does not object to the application.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

From: Christian Samples <csamples@GARDENCITYIDAHO.ORG>
Sent: Friday, June 28, 2019 10:18 AM
To: D3 Development Services <D3Development.Services@itd.idaho.gov>; Sarah Arjona <Sarah.Arjona@itd.idaho.gov>
Subject: [EXTERNAL] City of Garden City - Agency Notice

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

THE FOLLOWING ITEMS WILL BE CONSIDERED IN A QUASI JUDICIAL HEARING AT GARDEN CITY IDAHO:

SAPFY2019-1/PUDFY2019 – 1: Sherry McKibben with McKibben + Cooper Architects and Urban Design are requesting approval of Specific Area Plan and Planned Unit Development Applications for the 34th Street Area. The scope of the plan includes 34th Street, Carr Street, Clay Street, Chinden Boulevard, Osage Street, and 33rd Street.

Applicant: Sherry McKibben; sherrym@mckibbencooper.com

Case Planner: Christian Samples; csamples@gardencityidaho.org

Application materials can be found at:

<https://gardencityidaho.org/index.asp?SEC=2A043EFC-8DFB-4C6B-A74D->

3C0DB1A4BFE1&DE=1DE79447-0024-4944-BE74-7E44068A930C

NOTE: Please send comments to Garden City Development Services by **July 8, 2019**. 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 N. Glenwood St., Garden City, Idaho 83714.



Chris Samples, AICP

Associate Planner

Development Services, **Garden City**

p: 208-472-2922

a: 6015 Glenwood Street, Garden City, ID 83714

w: www.gardencityidaho.org e: csamples@gardencityidaho.org



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