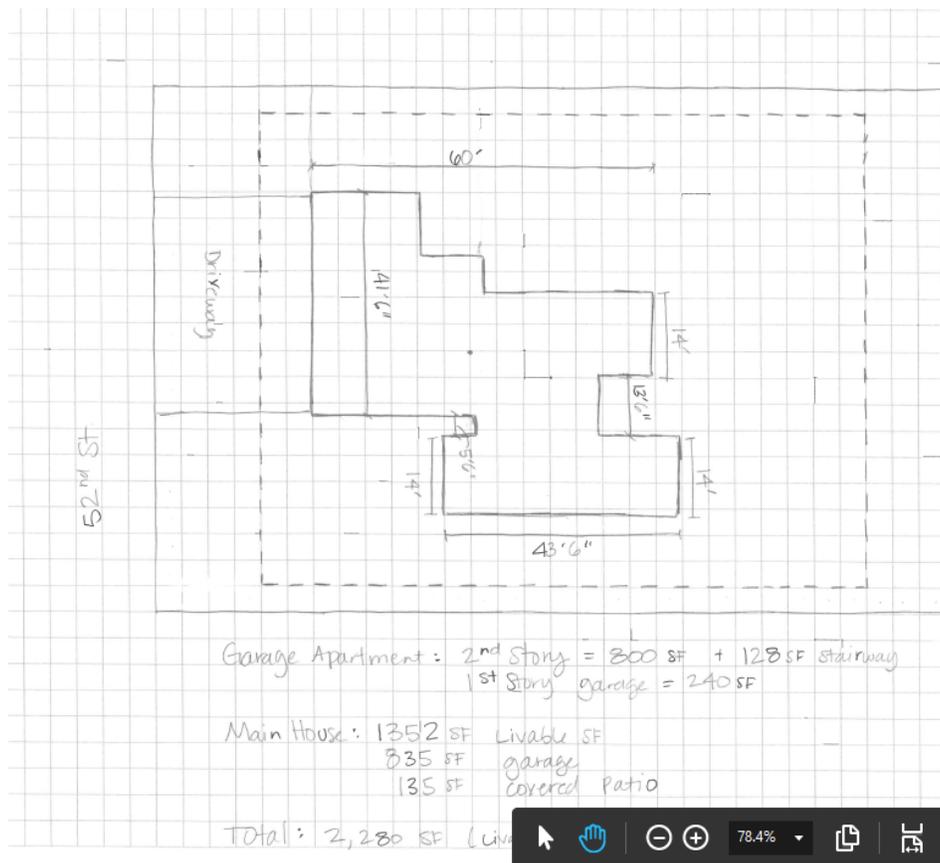




CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
 ■ planning@gardencityidaho.org ■ www.gardencityidaho.org
 ■ Phone 208/472-2921

CUPFY2019-3
Conditional Use Permit
 For:
Use: Reduction in Density and Accessory Structure Size Waiver
Location: 403 E. 52nd Street
Applicant: Dyan Bevins



Staff Contact: Chris Samples (208) 472-2921; planning@gardencityidaho.org

City of Garden City
Planning and Zoning Commission Staff
Report

Project Description:

Planning and Zoning Commission Public Hearing Date: Wednesday March 18, 2019, at 6:30 p.m.

Application File Number: CUPFY2019-3

Applicant: The applicant is Dyan Bevins.

Location: 403 E. 52nd Street, Ada County Parcel R7334160660; Lot 3, Block 5, Randall Acres Sub No. 5

Requested Use: Reduction in required density and accessory structure size waiver

Project Synopsis: Dustin and Dyan Bevins are requesting Conditional Use Permit approval for a two unit residential structure at 403 E. 52nd Street; Ada County Parcel R7334160660. The 0.344 acre site is in the Medium Density Residential (R-3) zoning district, which requires a conditional use permit for less than 14 dwelling units per acre in Transit Oriented Development (TOD) locations of the Comprehensive Plan and required for accessory structures over 1,000 sq. ft. This property is located in the Mixed Use Residential and TOD designations of the Comprehensive Plan.

The applicant is proposing a two dwelling unit residential structure to be constructed in phases. The applicant's proposed density is below the required 14 units per acre within a TOD node located in the R-3 zoning district. The first phase is proposed to consist of a garage with an attached dwelling unit. The garage is proposed to exceed the size of the dwelling unit, triggering a conditional use permit and a design review. The applicant would live in this unit for 3 – 5 years before starting the second phase, consisting of the second dwelling unit. The applicant has indicated construction of the first phase would start this year.

Existing Conditions:

- The subject property is .344 acres
- The project is in the R-3 Medium Density Zoning District
- The project is located in the Transit Oriented Development Node and Mixed Use Residential Comprehensive Plan Land Use Designations
- The subject property is located within 100 year floodplain designation.
- Surrounding Uses: Dwelling Unit, Single Family Detached, Manufactured Home Park, C
- Existing Use: None
- There are no records on file with Garden City of existing easements
- Access to the site is from E. 52nd Street
- There are no sidewalks on or adjacent to the site.

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

Note the code that was utilized to conduct review

Standards

8-7A Definitions of Uses
8-2B-1 Purpose
8-4B-3 Single Family and Two Family Attached and Detached Residential Dwelling Units
Comprehensive Plan Analysis
Other Plans and Approvals Analysis
Comments from Other Departments and Agencies
GCC 8-6B-2 Conditional Use

Staff Analysis:

8-7A Definitions of Uses:

*Dwelling Unit,
Single and Two
Family, Detached:*

A structure consisting of one (1) or two (2) dwelling units and separated from other dwelling units by open space.

*Accessory
Structure:*

A detached structure that is incidental and subordinate to the principal structure and is located upon the same property. The term “accessory structure” shall include, but not be limited to, the following: private garage, storage structure, workshop, and/or greenhouse. The term shall not include additional structures for approved public, commercial, or industrial uses or insurable structures.

8-2B-1 Purpose

A. Residential Districts: The purpose of the four (4) residential districts is to provide a full range of housing products within the city in areas that are exclusively for residential uses. The four (4) districts are contrasted by the density and housing products that are allowed within each district:

Medium density residential (R-3)	35 du/acre	14 du/acre in TOD locations of the comprehensive plan or neighborhood commercial nodes unless successful obtainment of a conditional use permit	Single-family, two-family and multiple-family dwelling units
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The applicant has proposed a single dwelling unit on .344 acres or 2.8 dwelling units per acre, below the 14 unit threshold required when located within a TOD node Comprehensive Plan designation. The minimum amount of units required on a .344 acre property to meet the 14 unit threshold is 5. An analysis of the proposal against the required conditional use permit findings will follow below.

Title 8, Chapter 4 Design and Development Regulations

8-4B-3 Single Family and Two Family Attached and Detached Residential Dwelling Units:

The applicant is requesting a conditional use permit to waive GCC 8-4B-3B-4, which states:

4. Accessory structures and all portions of the principal structure, such as an attached garage, that are utilized for residential accessory uses over a combined one thousand (1,000) square feet may not exceed the combined square footage of the principal dwelling unit without a design review committee approval and approval of a conditional use permit.

The applicant has proposed a structure consisting of a dwelling unit with an attached garage. The proposal is part of a phased approach to eventually completing a structure with two dwelling units. Attached garages are regulated as accessory structures under this subsection. Accessory structures cannot exceed the square footage of the dwelling unit without obtaining a conditional use permit and a design review. An analysis of the proposal against the required conditional use permit findings will follow below.

8-4E Transportation and Connectivity Provisions

At times there is overlap between design and use. Code requires that whenever a new use commences at a site, that the property be compliant with transportation and connectivity provisions. There is no sidewalk along or adjacent to the property.

Garden City Sidewalk Policy notes that sidewalk or pathway shall be detached as required by **Garden City Code 8-4E-6 E** and provide for a 6' with root barrier/ 8' without root barrier landscape buffer prescribed by ACHD's policy for Class II or III trees. Although the use is permitted rather than conditional, a sidewalk is triggered due to the new use on the property. Enforcement of the sidewalk provisions and policy are usually handled administratively when the use is permitted. The scope of the conditional use permit request is not for the use, but waivers to standards. While a condition of approval requiring the sidewalk can be added to the permit by the Commission, it is not required.

Other Plans and Approvals Analysis

The State Street TOD Plan was analyzed as part of this report.

Comments from Other Departments and Agencies

Idaho Transportation Department

No objection.

Flood Control District No. 10

No additional conditions requested.

Idaho Department of Environmental Quality

Standard comments provided.

Summary of Comments from Public

There have been no written public comments received to date.

8-6B-2 D [Conditional Use] Required Findings

In order to approve a conditional use permit the Planning and Zoning Commission must find:

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

Analysis of Finding 1

The nature of the proposed waivers does not appear to affect the appropriateness of the use or its compatibility with other uses in the R-3 zoning district. The waivers themselves affect the size, design, and density of the structure rather than impact specific uses or the ability of property owners to utilize their property. A phased approach to developing the property would not impact this finding, provided all applicable Garden City Code and agency requirements were met.

Analysis of Finding 2

There does not appear to be evidence on the record or comments from agencies that indicated the waivers are not able to be supported by public facilities or services. Agency comments did not reflect objection to the proposal. The applicant would be required to meet all applicable Garden City Code and agency requirements, including any required permits and additional reviews.

Analysis of Finding 3

There does not appear to be evidence on the record that the proposed waivers would negatively impact the health, safety and welfare of the community. The waivers are structural in nature rather than generated from a use. The construction of the proposal would require a building permit and have to adhere to applicable Garden City Code and agency requirements. A Design Review of the structure is also required by GCC 8-4B-3 when a waiver is requested, adding a further level of review.

Analysis of Finding 4

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

The proposed use is located in the Mixed Use Residential and Transit Oriented Development Node Comprehensive Plan designations:

MIXED USE RESIDENTIAL: *The mixed use residential area is north of Adams Street. This designation allows for residential and commercial uses in a form and scale that is residential in character and design. A mix of residential; small scale office and retail; and*

public and semi-public uses are appropriate in this district. Regulations for this area should focus on form more than use, with a maximum height of two stories.

TRANSIT ORIENTED DEVELOPMENT NODE: *The transit oriented development (TOD) nodes are identified within one quarter mile of locations where a transit station has been planned or could be located. It is not intended that all nodes could be developed within the twenty year period of the plan. A mix of uses including higher density residential, retail, office, research and public uses are included in the TOD area designation. A development to be considered for the TOD designation should include 50,000 square feet of non-residential uses and 60 – 80 dwelling units. The form of the development should be multi-story (three or more stories) along the boulevard corridor with lower height moving away from the street. Site design characteristics should include walkability, public spaces, and transit station design. Lower parking standards should be allowed.*

The following Comprehensive Plan goals, policies and actions steps are applicable to this proposal:

Goal 1. Nurture the City

1.4 Objective: Create a premier destination place to live, work and recreate.

Goal 2. Improve the City Image

2.1 Objective: Encourage new and distinctive neighborhoods.

Goal 4. Emphasize the “Garden” in Garden City

4.3 Objective: Beautify sidewalks and gateways with landscaping and trees.

Action Steps:

*4.3.1 Continue to **require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites.***

Goal 6. Diversity in Housing

6.3 Objective: Maintain the diversity of housing.

Density Reduction:

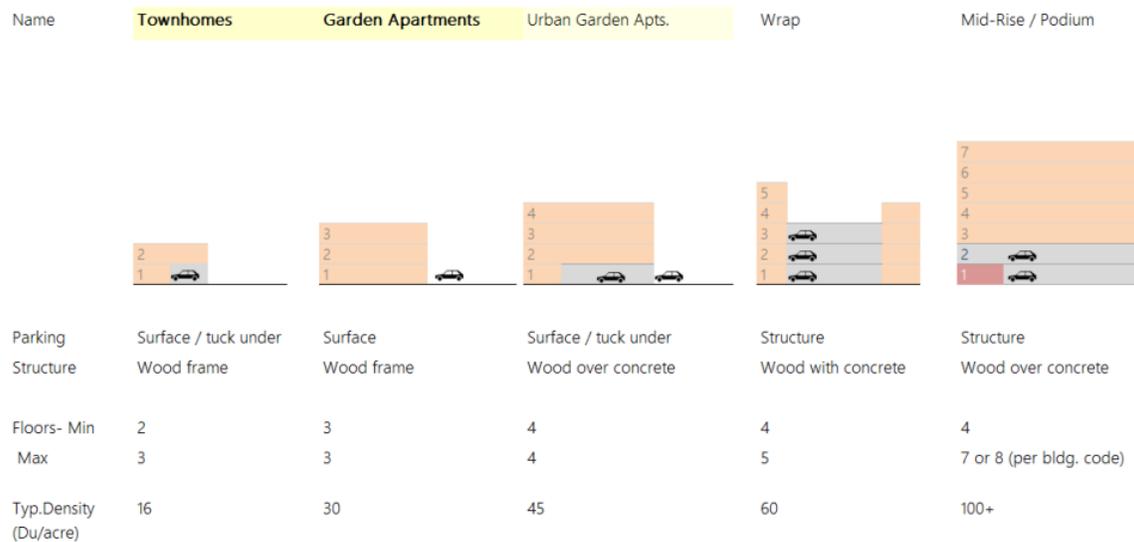
The center of the TOD node is intended by the Comprehensive Plan to contain the greatest density while the ¼ mile walkable areas appear intended by the Plan to contain lower density, but still reasonably accessible to the node center. Lowering density away from the TOD node center creates intensity toward the center of the node that radiates outward rather than an uneven development pattern within it. The TOD node designation recommends including 50,000 square feet of non-residential uses and 60 – 80 dwelling units in a development.

Development activity prior to the 2006 Comprehensive Plan and after its adoption has been implementing this pattern. In 1999, Mallard Point Senior Housing was developed at 506 E. 50th Street and was built to 158 dwelling units on 3.244 acres, creating a density of 48.77 units per acre. Design Review application DSRFY2015-12 was approved on July 27, 2015 for a multi-family dwelling development located at 485 E. 50th Street. The development was built to 108 units on 4.85 acres, creating a density of 22 units per acre. Both of these developments are located within the upper part of the center of the TOD node. The 14 dwelling units per acre requirement for R-3 zoned properties within TOD nodes implements this designation by creating

residential density that would enable future transit stations, such as bus stops, to be located. The two previous major developments are well in excess of this minimum requirement.

The designation is silent on how many dwelling units are required to make public transit viable at a TOD node location. However, guidance can be provided from technical reports and other documentation. The State Street TOD Plan is a regional plan providing guidance on developing TOD nodes along State Street. The report identifies five different housing types and recommended densities for each type:.

Figure 11. Residential Transit-Oriented Development Types



The report also references a developed TOD node, Orenco Station in the Portland Metropolitan Area. The development's configuration reflects a gradually declining density away from a dense center:



The images below show the timing of various phases of development at Orenco Station. Early phases in the 1990s and early 2000s "set the stage" with a well-thought out framework of streets and open spaces, and low- to medium-density development.

Orenco Station contains single family residential on the edges of the development while increasing intensity at differing tiers:



1990s
Site planning
Zoning
Entitlements



1998
Groundbreaking
Single-family and attached housing
One and two stories



2002
Town Center
Two and three stories



2008
The Q
Condominiums with
below-grade parking
Two to three stories



2008
The Nexus
Apartments, family
friendly
Three stories



2012
Living Green at Orenco
Apartments
Four+ stories

The proposed reduction is located at the outer edge of the ¼ mile walkable area of the TOD node designation. A density of reduction from 14 to 2.8 dwelling units per acre is a significant reduction in density. However, in the context of the property's location, the emerging development pattern in the area, and guidance from development elsewhere, the reduction appears consistent with focusing density at the TOD node center.

Accessory structure square footage waiver:

The proposed accessory structure exceeding the square footage of the primary structure is not addressed by nor does it appear to be in conflict with the Comprehensive Plan.

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

In the Matter of:)) Density Reduction and Accessory) Structure Size Waiver) 403 E. 52 nd Street) Garden City, Ada County, Idaho) _____)	CUPFY2019-3 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 March 20, 2019. 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 property owner of record and the applicant is Dyan Bevins.
2. The application is for a density reduction and an accessory structure size waiver.
3. The location of the project is 403 E. 52nd Street; Ada County Parcel R7334160660; Lot 3, Block 5, Randall Acres Sub No. 5.
4. The subject property is 0.344 acres.
5. The project is located in the R-3 Medium Density Zoning District.
6. The project is located in the Mixed Use Residential and Transit Oriented Development Node Buffer of the Garden City Comprehensive Plan Land Use Designation.
7. The existing use on the site is: none.
8. Current access to the site is from E. 52nd Street.
9. There are no sidewalks along or adjacent to the property.
10. The following sections of the Garden City Municipal Code apply to this proposal:

This is drafted based on an approval of the request by the Planning and Zoning Commission. This is subject to change based on the Commission's decision.

Standards	Compliant	Conclusions
GCC 8-7A Definitions	N/A	The scope of the requested permit is not for a use. The following definitions are noted for the purposes of review: <u>Dwelling Unit, Single-Family or Two-Family Detached:</u> A structure consisting of one (1) or two (2) dwelling units and separated from other dwelling units by open space. <u>Accessory Structure:</u> A detached structure that is incidental and subordinate to the principal structure and is located upon the same property. The term

		"accessory structure" shall include, but not be limited to, the following: private garage, storage structure, workshop, and/or greenhouse. The term shall not include additional structures for approved public, commercial, or industrial uses or insurable structures.
GCC 8-B-2 Purpose	Yes	Properties zoned R-3 Medium Density Residential and located within the Transit Oriented Development Node designation of the Comprehensive plan require a minimum of 14 dwelling units per acre unless a conditional use permit is obtained.
GCC 8-4B-3B Single Family and Two Family Attached and Detached Residential Units – Accessory Structures	Yes	Accessory structures may not exceed the size of the primary structure unless a design review approved and a conditional use permit is obtained.
GCC 8-4E-6 Sidewalk Standards	Yes	A sidewalk is required for a new use on the property. However, the use "Dwelling Unit, Single or Two Family Detached", is a permitted use in the R-3 zoning district. Sidewalks associated with permitted uses are enforced administratively.
GCC 8-6B-2 Conditional Use	Yes	<ol style="list-style-type: none"> 1. The proposed waivers are appropriate to the location, the lot, and the neighborhood; 2. The proposed waivers will not affect the delivery of adequate public facilities or services to the surrounding area; 3. The proposed waivers will not unreasonably diminish either the health, safety or welfare of the community as conditioned; and 4. The proposed waivers at this location are in conformance with the comprehensive plan and other adopted plans, and ordinances of the city.

12. Other studies, plans or approvals reviewed include:

Garden City Comprehensive Plan	Yes	The proposed density reduction waiver is consistent with the comprehensive land use designations of Mixed Use Residential or Transportation Oriented Node. The proposed reduction is located at the outer edge of the ¼ mile walkable area of the TOD node designation. A density of
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		<p>reduction from 14 to 2.8 dwelling units per acre is a significant reduction in density. However, in the context of the property's location, the emerging development pattern in the area, and guidance from development elsewhere, the reduction appears consistent with focusing density at the TOD node center.</p> <p>The proposed density reduction waiver also consistent with Garden City Comprehensive Plan Goals and Objectives:</p> <p>Goal 1. Nurture the City <i>1.4 Objective: Create a premier destination place to live, work and recreate.</i></p> <p>Goal 2. Improve the City Image <i>2.1 Objective: Encourage new and distinctive neighborhoods.</i></p> <p>Goal 4. Emphasize the "Garden" in Garden City <i>4.3 Objective: Beautify sidewalks and gateways with landscaping and trees.</i></p> <p>Action Steps: <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>Goal 6. Diversity in Housing <i>6.3 Objective: Maintain the diversity of housing.</i></p> <p>The proposed accessory structure waiver is not addressed by or appear to be in conflict with the Comprehensive Plan.</p>
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State Street TOD Plan	Noted	The document was noted for the purposes of the Comprehensive Plan Analysis for determining density reductions away from Transit Oriented Development Node centers.
Garden City Planning And Zoning Commission Sidewalk Policy	Noted	The Garden City Sidewalk Policy was referenced in the analysis of GCC 8-4E-6.
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. Flood Control District No. 10
 - b. Idaho Department of Transportation
 - c. Idaho 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 February 14, 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 February 26, 2019, 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 February 26, 2019 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 March 4, 2019 and on February 27, 2019 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 March 9, 2019, in accordance with Garden City Code for the public hearing of March 20, 2019.
20. On March 20, 2019, at the Planning and Zoning Commission public hearing:
 - a. This is a placeholder only. It will change based on the actual proceedings.

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/ DENIES** of the application subject to the following conditions:

Items in grey font are potential conditions of approval that apply only to an approval of this application.

Site Specific Conditions:

1. The scope of the permit is for the following:
 - a. A density reduction from 14 dwelling units per acre to 2.8 dwelling units per acre for the specific purpose of building a two-family dwelling unit.
 - b. A waiver of the requirement that accessory structures shall not exceed the size of the primary dwelling. The waiver is specific to the phased construction of a two-family dwelling unit.

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.
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. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
35. A takings analysis pursuant to Idaho Code may be requested on final decisions.
36. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

Chairman, Planning and Zoning Commission

Date

Compliance Statement & Statement of Intent

Parcel #: R7334160660

Zone R-3

8-2B-1 PURPOSE:

A. Residential Districts: The purpose of the four (4) residential districts is to provide a full range of housing products within the city in areas that are exclusively for residential uses. The four (4) districts are contrasted by the density and housing products that are allowed within each district:

District	Maximum Density	Minimum Density	Typical Housing Types
Medium density residential (R-3)	35 du/acre	14 du/acre in TOD locations of the comprehensive plan or neighborhood commercial nodes unless successful obtainment of a conditional use permit	Single-family, two-family and multiple-family dwelling units

Lot Size: 0.344 acres

Equates to 4.8 dwelling units

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

*Indicates uses that are subject to specific land use provisions as set forth in article C of this chapter.

	R-1	R-2	R-3	R-20	C-1	C-2	M	LI
P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district								
Dwelling unit, accessory*	P	P	P	P	P	P	P	P
Dwelling unit, group			C	P		P	C	
Dwelling unit, multiple-family*		C	P	P	C	P	P	
Dwelling unit, single-family attached		P	P	P	C	P	P	
Dwelling unit, single-family detached	P	P	P	P	C	P	P	
Dwelling unit, two-family		P	P	P	C	P	P	

Our proposed use is 2 dwelling units. One built this year and the second built at a later date in 3-5 years. The lot is zoned residential and both dwelling units will be residential. I am not sure which category we fall into Dwelling unit, accessory, single-family detached or two-family - all of which are permitted uses in Zone R-3.

We propose to build a garage apartment this year to live in for 3-5 years then build our main house which will be our primary residence. The garage apartment could be rented out or provide a home for an aging parent or a niece attending college.

No noxious uses, noise or vibration are associated with this use except during the time when the structures will be under construction.

March 4, 2019

Chris Samples, AICP
Associate Planner
Development Services, Garden City
6015 Glenwood St
Garden City, ID 83714

RE: CUPFY2019-3

Mr. Samples,

Since we submitted our CUP application, we have continued talks with our Architect and Builder and would like to change the 2 dwelling units/residences proposed from detached to attached.

I have revised the site plan and am providing that with this letter via email.

The rest of the CUP application and materials provided remain unchanged.

Please feel free to contact me at 208-954-4334 or dyan06@msn.com if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Dyan Bevins".

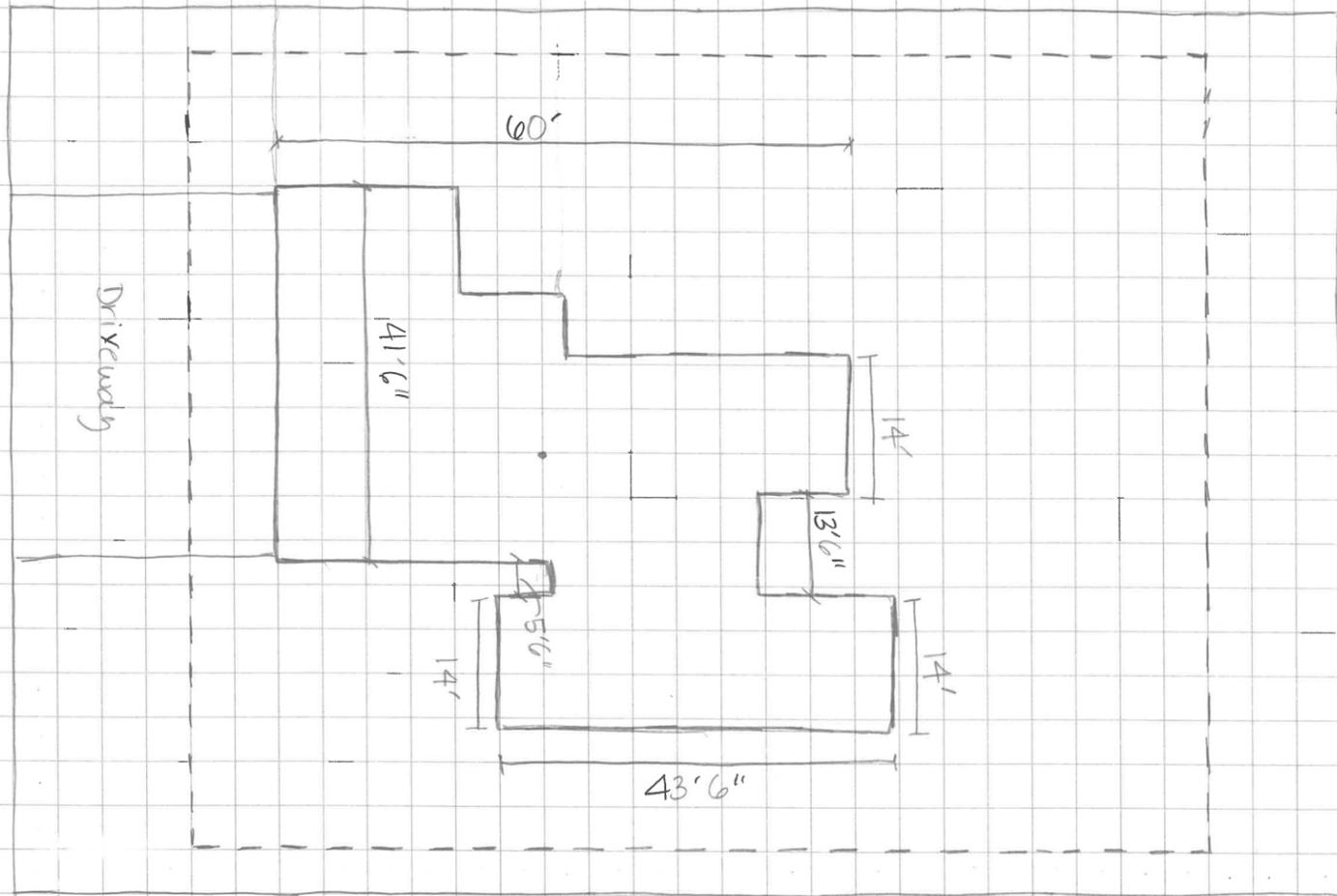
Dyan Bevins

1" = 20'



52nd St.

Driveway



PARCEL: 100' x 50' = 15,000 SF = 0.344 acres

Required Setback

Garage Apartment: 2nd Story = 800 SF + 128 SF stairway
 1st Story garage = 240 SF

Main House: 1352 SF Livable SF
 835 SF garage
 135 SF covered patio

Total: 2,280 SF (Livable/conditioned) 1,075 SF garage

- Center of building envelope



CONDITIONAL USE PERMIT

Permit info: CUPFY2019-3
 Application Date: 2/14/19 Rec'd by: MK
 FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921
 ▪ www.gardencityidaho.org ▪ planning@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name: Dustin & Dyan Bevins	Name: Dustin & Dyan Bevins
Company: n/a	Company: n/a
Address: 606 E. 52nd St.	Address: 606 E. 52nd St.
City: Garden City	City: Garden City
State: Idaho Zip: 83714	State: Idaho Zip: 83714
Tel.: 208-954-4334	Tel.: 208-954-4334
E-mail: dyan06@msn.com	E-mail: dyan06@msn.com

PROPERTY AND DESIGN INFORMATION

Site Address: 403 E. 52nd St. Garden City, Idaho 83714

Subdivision Name: Randall Acres #5	Lot: 3	Block: 5
Tax Parcel Number: R7334160660	Zoning: R-3	Total Acres: 0.344
Proposed Use: Residential	Floodplain: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Describe the proposed use:

Single owner, 2 single family residences

Check any that are applicable to this application: <i>*If any boxes are checked, attach the Design Review Application*</i>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	I will build a new structure I will add 25% or more to the floor area of an existing building I will alter, replace rehabilitate or restore 25% or more of a store façade.
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How is the use appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district?

The neighborhood as it exists today is a mix of single family and multi-family residential with industrial/commercial directly across the street from this lot. The lot is zoned R-3 which is multi-family residential. We are keeping with the residential zoning just less dense. Since single family residential is the predominate use along 52nd Street our proposal of 2 single family dwelling units fits in well.

Is the use supported by adequate public facilities or services such as water/sewer, schools, roads, parks, transit, fire protection and police protection?

Yes, the lot already has water and sewer connections since there was a manufactured home on the property for a number of years. This lot is in an existing and established neighborhood already being supported by schools, parks, transit, fire and police protection.

How does the use affect the health, safety or welfare of the community?

Yes, I think it improves the health, safety and welfare by having an empty lot become an owner occupied residence who cares about the City and neighborhood they live in.

How does the use support the goals of the Comprehensive Plan?

While we are proposing something less dense, this development supports diversity of housing and affordable housing while supporting protection of private property rights. This will allow a member of this household to live, work, play and shop all in Garden City. Our design is high-quality (designed by an architect) and will be landscaped beyond minimum City requirements and maintained.

How far is the proposed use from a pedestrian/bicycle pathway?

Technically 52nd St is the greenbelt in this area so the pedestrian/bicycle pathway fronts this lot.

I consent to this application and hereby certify that information contained on this application and in the accompanying materials is correct to the best of my knowledge. I agree to be responsible for all application materials, fees and application correspondence with the City. I will hold harmless and indemnify the City of Garden City from any and all claims and/or causes of action from or an outcome of the issuance of a permit from the City.

Signature of the Applicant

(date)

Signature of the Owner

(date)

Dyan Bwims

2-12-19

Dyan Bwims

2-12-19

Dustin Davis

2-12-19

Dustin Davis

2-12-19

APPLICATION INFORMATION REQUIRED

NOTE:

AN ELECTRONIC COPY OF THE ENTIRE APPLICATION SUBMITTAL REQUIRED

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED UNDER ANY CIRCUMSTANCES

ONE (1) HARD COPY OF EACH CHECKLIST ITEM REQUIRED:

- Compliance Statement and Statement of Intent
- Neighborhood Map
- Will Serve Letter
- 11"x17" Site Plan
- Irrigation/Ditch Company Authorization Letter n/a
- Photos of Site
- Neighborhood Meeting Verification
- Affidavit of Legal Interest
- Waiver Request of Application Materials

**Additional information may be required by staff such as a traffic/parking analysis, a use analysis or documents related specifically to a business.*



PLEASE CHECK THE FOLLOWING:

INFORMATION REQUIRED ON COMPLIANCE STATEMENT AND STATEMENT OF INTENT:

- Statement explaining how the proposed use(s) is compliant with the standards of review for the proposed application. Cite the ordinances the proposed use(s) is compliant with
- Should include purpose, scope, and intent of project
- Information concerning noxious uses, noise, vibration, and any other aspects of the use or structure that may impact adjacent properties or the surrounding community

INFORMATION REQUIRED ON NEIGHBORHOOD MAP:

- 8 ½" x 11" size minimum
- Location of contiguous lots and lot(s) immediately across from any public or private street, building envelopes and/or existing buildings and structures at a scale not less than one inch equals one hundred feet (1" = 100')
- Impact of the proposed siting on existing buildings, structures, and/or building envelopes

INFORMATION REQUIRED ON SITE PLAN:

- Scale not less than 1" = 20', legend, and north arrow.
- Property boundary, dimensions, setbacks and parcel size.
- Location of the proposed building, improvement, sign, fence or other structure, and the relationship to the platted building envelope and/or building zone
- Building envelope dimensions with the center of the envelope location established in relation to the property lines
- Adjacent public and private street right of way lines
- Total square footage of all proposed structures calculated for each floor. If the application is for an addition or alteration to an existing building or structure, then the new or altered portions shall be clearly indicated on the plans and the square footage of new or altered portion and the existing building shall be included in the calculations

- For uses classified as drive-through, the site plan shall demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties as required in Section 8-2C-13 of Title 8.

INFORMATION REQUIRED FOR IRRIGATION/DITCH AUTHORIZATION LETTER:

- Required if irrigation canal/irrigation ditch runs through property or along property lines *n/a*

INFORMATION FOR NEIGHBORHOOD MEETING VERIFICATION:

- Copy of notice sent to property owners within 300' of an applicable property
- List of notice recipients with names and addresses
- Sign-up sheet from meeting

INFORMATION REQUIRED FOR WAIVER REQUEST OF APPLICATION MATERIALS:

- Statement must include a list of the application materials to be waived and an explanation for the request

PARCEL	PRIMOWNER	ADDCONCAT	STATCONCAT
R7294240010	FOSTER DARRYL L	501 E 52ND ST	GARDEN CITY, ID 83714-0000
R7294240025	HARRIS GORDON L	11200 SWEET OLA HWY	SWEET, ID 83670-0000
R7294240005	COOLEGE PETER L LIVING TRUST	521 E 52ND ST	GARDEN CITY, ID 83714-1448
R7294240015	PEACHEY GALEN L	1176 E PRAIRIEFIRE ST	MERIDIAN, ID 83646-0000
R7294240020	SOMERTON CARL H	5165 N QUINELLA ST	GARDEN CITY, ID 83714-1415
R7334160242	5111 ALWORTH LLC	PO BOX 1661	BOISE, ID 83701-1661
R7334160660	BEVINS DYAN	606 E 52ND ST	GARDEN CITY, ID 83714-0000
R7334160911	CDLR LLC	411 E REMINGTON ST	GARDEN CITY, ID 83714-0000
R7334160931	CDLR LLC	411 E REMINGTON ST	GARDEN CITY, ID 83714-0000
R7334160936	CDLR LLC	411 E REMINGTON ST	GARDEN CITY, ID 83714-0000
R7334160670	NESBIT GEORGE ALBERT III	401 E 52ND ST	GARDEN CITY, ID 83714-1446
R7334160681	INTERMOUNTAIN GAS CO	PO BOX 5650	BISMARCK, ND 58506-5650
R7334160684	LARSON BRAD L	1875 W JANET CT	EAGLE, ID 83616-0000
R7334160685	MEDINA JESUS I	6232 PARK MEADOW WAY APT 102	BOISE, ID 83713-0000
R7334160686	HALL JOHN B IV	11131 W HICKORY DALE DR	BOISE, ID 83712-0000
R7334160861	GARDEN CITY MOBILE ESTATES INC	3784 N LANCER WAY	BOISE, ID 83713-0000
R7334160886	THOMPSON CHARLES F	502 E 52ND ST	GARDEN CITY, ID 83714-0000
R7334160897	SANTERO ANDREA	4001 S YORKTOWN WAY	BOISE, ID 83706-0000
R7334160901	MELTON DENISE KAY	410 E 52ND ST	GARDEN CITY, ID 83714-1445
R7334160261	ADA COUNTY - TREASURERS OFFICE	200 W FRONT ST	BOISE, ID 83702-0000
R7334160261	ADA COUNTY - TREASURERS OFFICE	200 W FRONT ST	BOISE, ID 83702-0000
R7334160817	GRIGGS DELAND K	416 E 51ST ST	GARDEN CITY, ID 83714-0000
R7334160932	CDLR LLC	411 E REMINGTON ST	GARDEN CITY, ID 83714-0000
R7334160683	MARTINET PAUL V	403 LARKSPUR CT	CALDWELL, ID 83605-0000
R7334160687	PHILLIPS REESE T II	P.O. BOX 9751	BOISE, ID 83707-0000
R7334160815	KEENEY ELISABETH A	1654 HOWRY	BOISE, ID 83706-0000
R7334160823	KEENEY ELISABETH	1654 HOWRY ST	BOISE, ID 83706-0000
R7334160881	BAILEY ELLEN M	506 E 52ND ST	GARDEN CITY, ID 83714-1447
R7334161301	SOLOMONS HOLDINGS LLC	400 E 52ND ST	GARDEN CITY, ID 83714-0000
R7880770010	COLLIER RITA E	415 E 52ND ST	GARDEN CITY, ID 83714-0000
R7880770050	HUCKSTEP WILLIAM D	200 E 46TH PL	GARDEN CITY, ID 83714-1446
R7880770020	HUCKSTEP TYLER J	5151 N GIGGLE LN	GARDEN CITY, ID 83714-0000
R7880770030	JUEL LINDA M HOLSMAN	PO BOX 44344	BOISE, ID 83711-0344
R7880770040	DAVIS JASON	413 E 52ND ST	GARDEN CITY, ID 83714-0000

January 19, 2019

Dear Neighbor,

Hello. Our names are Dustin & Dyan Bevins and we bought the now empty lot at 403 E. 52nd St. We are writing to you because we are applying for a Conditional Use Permit to build 2 homes on the lot. One home will be a garage apartment that we will build first and live in for a few years until the market cools down. Then we will build the main house. After that, the garage apartment could be rented out or used for one of our aging parents.

To comply with City requirements, we will be holding a neighborhood meeting on January 30 at 5:30 p.m. The meeting will be held at 606 E. 52nd St (log cabin). Please park at the end of the street (even though it says no parking) or along the white vinyl fence.

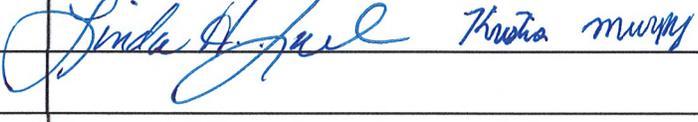
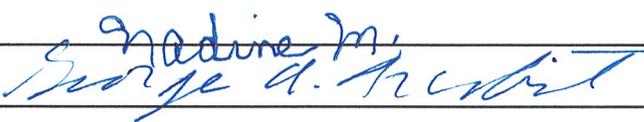
We welcome your thoughts and input and hope you can make it.

Sincerely,

A handwritten signature in blue ink, consisting of the names 'Dustin' and 'Dyan' written in a cursive style, separated by a plus sign. Below the signature, the names 'Dustin & Dyan Bevins' are printed in a standard black font.

Dustin & Dyan Bevins

JAN 30, 2019
Neighborhood Meeting Sign-In Sheet

Name	Signature
5111 ALWORTH LLC	
ADA COUNTY - TREASURERS OFFICE	
BAILEY ELLEN	
CDLR LLC	
COLLIER RITA	
COOLEGE PETER	
DAVIS JASON	
FOSTER DARRYL	
GARDEN CITY MOBILE ESTATES INC	
GRIGGS DELAND	
HALL JOHN	
HARRIS GORDON	
HUCKSTEP TYLER	
HUCKSTEP WILLIAM	
INTERMOUNTAIN GAS CO	
JUEL LINDA M HOLSMAN	
KEENEY ELISABETH	
LARSON BRAD	
MARTINET PAUL	
MEDINA JESUS	
MELTON DENISE KAY	
NESBIT GEORGE	
PEACHEY GALEN	
PHILLIPS REESE	
SANTERO ANDREA	
SOLOMONS HOLDINGS LLC	
SOMERTON CARL	
THOMPSON CHARLES	



From: [planning](#)
To: [Christian Samples](#)
Subject: FW: Dustin and Dyan Bevins CUPFY2019-3
Date: Friday, March 1, 2019 2:23:46 PM

From: Jared Richardson [mailto:jared@quadrant.cc]
Sent: Wednesday, February 27, 2019 1:25 PM
To: planning
Cc: Mike Dimmick; Steve Sweet
Subject: Dustin and Dyan Bevins CUPFY2019-3

To whom it may concern,

Flood Control District 10 has received notice concerning the application for Conditional Use Permit (CUPFY2019-3) by Dustin and Dyan Bevins for the property located at 403 E. 52nd St., Garden City, ID.

The property is within FCD10's jurisdiction and within the FEMA 100-YR Floodplain, however the property is situated far from the banks of the Boise River. Therefore, the application for the project will likely have minimal effect upon the normal operations of FCD10.

As such, my recommendation to the FCD10 Board is that no additional conditions are necessary to protect FCD10's interests.

Attached are images showing the projects location with regards to the FEMA Floodplain zones and FCD10's Jurisdiction.

Thank you and have a wonderful day,
Jared Richardson

Quadrant Consulting, Inc
1904 W. Overland Rd
Boise, Id 83705
208-342-0091

www.quadrant.cc <<http://www.quadrant.cc>>

Total Control Panel

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To: planning@gardencityidaho.org Message Score: 50
From: jared@quadrant.cc My Spam Blocking Level: High

High (60): **Pass**
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Low (90): **Pass**

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Garden City
Dustin and Dyan Bevins CUPFY2019-3
(Within FCD10 Jurisdiction)

Legend

-  Dustin and Dyan Bevins
-  FLOOD CONTROL #10

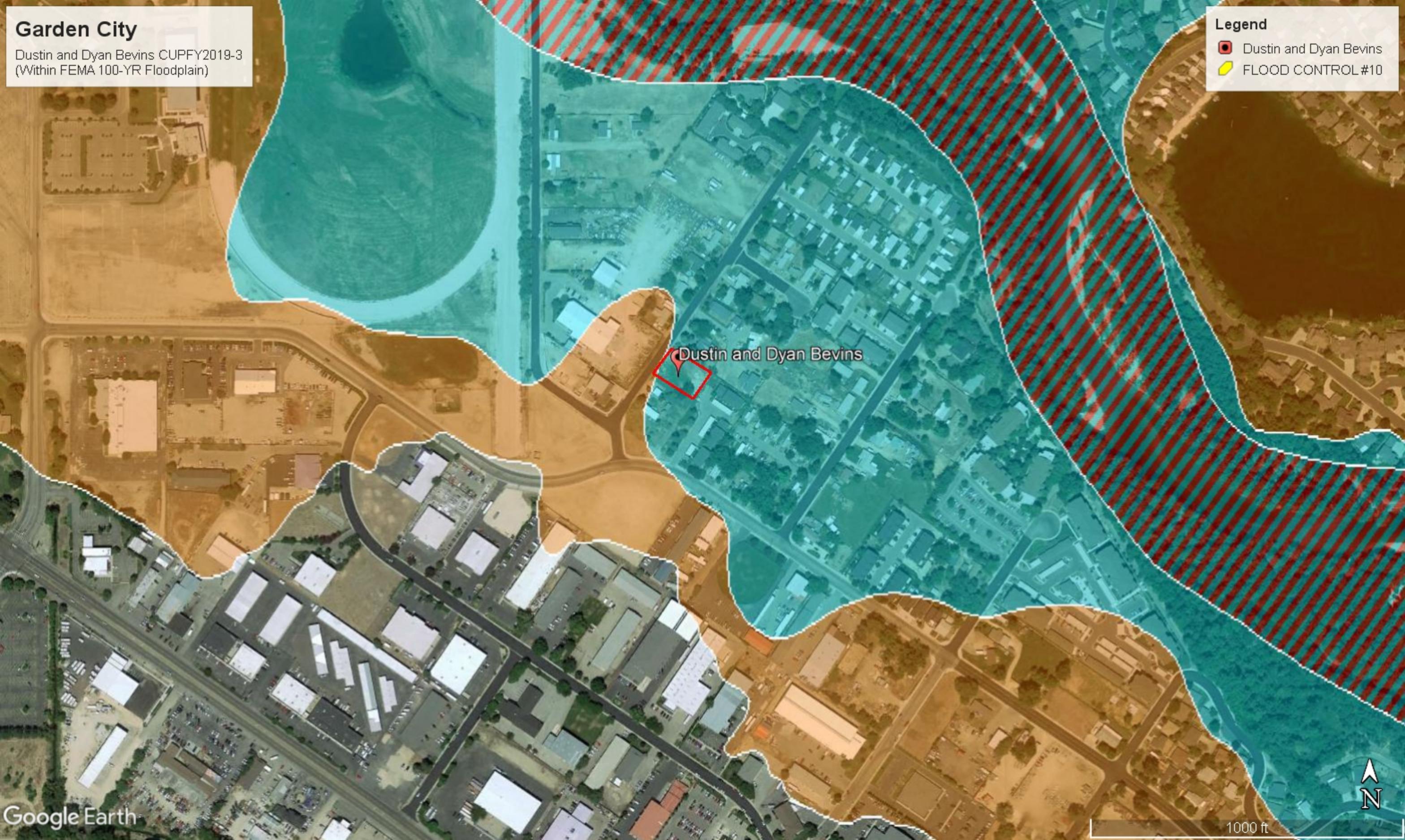


Dustin and Dyan Bevins



Garden City
Dustin and Dyan Bevins CUPFY2019-3
(Within FEMA 100-YR Floodplain)

Legend
Dustin and Dyan Bevins
FLOOD CONTROL #10



Dustin and Dyan Bevins





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: March 7, 2019
Agency Requesting Comments: Garden City
Date Request Received: February 26, 2019
Applicant/Description: CUPFY2019-3 Bevins

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).*

The property owner, developer, 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.

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: CM2019AEK43



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

March 4, 2019

Garden City Development Services Division
6015 Glenwood Street
Garden City, ID 83714

VIA EMAIL

Development Application	CUPFY2019-3
Project Name	TWO SINGLE FAMILY RESIDENCES
Project Location	403 East 52 nd Street, north of US-2026 milepost 45.02
Project Description	Approval for 2 single family residences in the Medium Density Residential (R-3) zoning district
Applicant	Dustin and Dyan Bevins

The Idaho Transportation Department (ITD) reviewed the referenced conditional use permit application and has the following comments:

1. This project does not abut the State highway system.
2. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
3. The Idaho Administrative Procedures Act (IDAPA) 39.03.60 governs advertising along the State highway system. The applicant may contact Justin Pond, Right-of-Way Section Program Manager, at (208) 334-8832 for more information.
4. ITD does not object to a conditional use permit as presented in the application.

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

Sarah Arjona
Development Services Coordinator
Sarah.Arjona@itd.idaho.gov
