



Ada County Transmittal  
Division of Community and Environmental Health

Return to:

- ACZ
- Boise
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- Garden City
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Rezone # SUBFY 2017-4

Conditional Use # \_\_\_\_\_

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

Garden Phoenix

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
  - high seasonal ground water
  - waste flow characteristics
  - bedrock from original grade
  - other \_\_\_\_\_
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
  - central sewage
  - interim sewage
  - individual sewage
  - community sewage system
  - central water
  - individual water
  - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage
  - sewage dry lines
  - community sewage system
  - central water
  - community water
- 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 12. We will require plans be submitted for a plan review for any:
  - food establishment
  - beverage establishment
  - swimming pools or spas
  - grocery store
  - child care center
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDH.
- 14. \_\_\_\_\_

Reviewed By: [Signature]  
Date: 9/14/2020



September 18, 2020

By e-mail: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)

City of Garden City  
6015 N. Glenwood  
Garden City, Idaho 83714

Subject: Garden Phoenix Final Plat, SUBFY2017-04

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: [deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts](http://deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts).

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 final plat 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](http://www.deq.idaho.gov/media/61833-dust_control_plan.pdf)
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.
- 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 (208) 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 Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

## 3. WASTEWATER AND RECYCLED 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: [deq.idaho.gov/water-quality/drinking-water.aspx](http://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 Valerie Greear, Water Quality Engineering Manager at (208) 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. A Construction General Permit from EPA may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- 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 (208) 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 (208) 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 (208) 373-0550, or visit the DEQ website [deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx](http://deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx) for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

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

Sincerely,



Aaron Scheff  
Regional Administrator  
DEQ-Boise Regional Office

ec: EDMS#2020AEK221



Jeffrey A. Ramey  
*Commissioner/Chair*

J. Todd Bunderson  
*Commissioner*

Jeffrey A. Souza  
*Commissioner*

Shelley Young  
*District  
Administrator*

September 16, 2020

Garden City Development Services – Planning

Re: SUBFY2017-4 – Letter of Satisfaction

Dear Garden City Development Services – Planning,

This letter is in reference to Garden Phoenix Final Subdivision.

The Fire Department finds that the water supply and access requirements stipulated for this project, by the direction of Council, appear to have been sufficiently satisfied for Fire to issue this Letter of Satisfaction. Therefore, I have no objection to the plat being finalized or to building construction permits being processed.

The Fire Department shall not be responsible for any additional requirements made necessary by alterations in the site which occur after this approval. Conversely, contractor(s) who make any changes to the site after this inspection which result in a non-compliant situation shall be responsible for correcting the matter. Variables that may drive further requirements include, but are not limited to; building construction type, building area, occupancy classification, changes to approved plans, conditions, or applications, changes made to the site after this inspection, changes to finished landscaping which affect fire hydrant depth or any information that may not have been clearly or completely documented during plan review or inspection.

Please note that this approval applies only to water supply and access requirements of the IFC. The requirements of other City departments, codes, permits, and ordinances (including the IFC) may not yet be completely satisfied.

Regards,

Todd Callahan  
Division Chief – Assistant Fire Marshal  
Boise Fire Department



## B & A Engineers, Inc.

Consulting Engineers & Land Surveyors  
5505 West Franklin Road. Boise, ID 83705  
Telephone 208.343.3381 Facsimile 208.342.5792

To: **Garden City Building**

Copy: **Jenah Thornborrow  
Colin Schmidt  
Betty Gumm  
Hannah Veal  
Kevin Wallis  
Troy Vaughn  
Chad Vaughn  
Olesya Durfey**

From: **Joe Canning, PE/PLS**  
Telephone: 208.343.3381  
E-Mail: [jdanning@baengineers.com](mailto:jdanning@baengineers.com)

Date: 18 September 2020

Subject: **Garden Phoenix Subdivision  
SUBFY2017-4  
Final Plat Review #6**

Pages: 2

Status: **Comment Pending**

On behalf of Garden City, as the city engineer, we have completed our sixth review of the final plat for the subject project. The project is an eight-home site subdivision with site improvements.

The information that our office received for review under this file number is comprised of the following:

1. Land Division application
2. Copy of sheet 1 of the final plat

Comments within this review are specific to infrastructure or engineering content and should not be considered all encompassing. Other reviews within the city and by other review agencies will occur.

## Professional of Record

Any suggestions for design modifications are not made to replace the position of the professional of record. We are simply making an observation that may impact the project or its review by city staff. The design professional may not necessarily be obligated to use the suggestion unless conformance to city requirements is an issue.

Our comment on the plat is as follows (this is a comment last included in our project review dated 2 August 2019):

## Proposed FEMA Maps Comment

1. Please be aware that FEMA is currently completing a study of the Boise River and will be issuing new FIRM maps. Although these are only working maps at this time, many new areas within Garden City may be included in the floodplain. What the final maps will depict is impossible to predict at this point in time, but impact to the proposed project is probable. The city cannot regulate to “possible” scenarios, but can suggest care be taken as long-term costs to the residents could result. We suggest the applicant review the working maps to consider the possible impact to the project. Depending on the possible impact of the maps and the response to them by the applicant, the city may require the developer to enter into a notice agreement with the city acknowledging the possible impact of FEMA maps on future home buyers. **Addressed, however please consider an elevated lowest floor (no necessarily the finish floor) with a lowered garage floor. Possible future flood insurance premiums for lowest floor about 3 feet below BFE would be very substantial – possibly approaching a high percentage of the monthly loan payment. Please further advise. This comment has been addressed. We hope the developer is not counting on flood insurance rate “grandfathering” via a preferred premium prior to adoption of new FIRMs. Congress acted once in 2012 to temporarily eliminate grandfathering. Sources we hear expect an eventual elimination of grandfathering at some point in time. Based upon the response and our prior comment, an acknowledgement by the landowner will be required to be executed. See the attachment to this review that was provided with the 3 March 2018 review. According to our information, the land is personally owned by Briant Burke, not as a manager of an LLC. Please verify landownership.**

The text immediately above is from the review of 2 August 2019. Today we checked the Ada County records. The ownership is now listed as Garden Phoenix LLC. Owner should be required to provide the most current deed for the land as ownership has certainly changed over recent times.

Address the final remaining comment. Provide a corrected and new form to the city for review.