



## Planning & Development Services

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# MEMORANDUM

**MEMO TO:** Planning and Zoning Commission

**FROM:** Leon Letson, Associate Planner  
Boise City Planning and Development Services

**RE:** CAR16-00030 & PUD16-00027 / 2350 W. Kootenai Street

**DATE:** December 5, 2016

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### Background

The applicant is requesting to rezone the subject property from an R-1C (Single Family Residential) to an R-2D (Medium Density Residential with Design Review) zone in conjunction with a conditional use permit for a 91-unit planned residential development on  $\pm 7.39$  acres located at 2350 W. Kootenai Street.

The purpose of this memo is to modify/establish two specific conditions for the project concerning ongoing discussions with Union Pacific (UP) and the proposed access to Kootenai Street. Concerning discussions with UP, the City received a letter dated **November 7, 2016**, outlining a number of concerns and requests for the project. After following up with UP for clarification and conferring with the applicant for the project, the Planning Team recommends the following modified condition:

**2.c** *This approval is conditioned upon the applicant showing satisfactory evidence, prior to construction, that access to and egress from the property over the existing railroad tracks meets acceptable standards for grade crossings over track of this type.*

Regarding the proposed access to Kootenai Street, ACHD has approved a limited access for this project, but has stated a preference for a full access that aligns with Columbus Street to the south. However, the limited frontage (approximately 22') associated with the subject property is inadequate to construct a full access at this time. Adjacent to the proposed access are two vacant parcels zoned R-3D (High Density Residential with Design Review) that will also need access to Kootenai Street when they redevelop. To accommodate a future full access to Kootenai Street that can serve the subject property and these two vacant parcels, the Planning Team recommends including the following condition to make possible this collaboration:

**2.d** *Upon redevelopment of Parcels R9374000095 and R9374000090, cross-access shall be provided from Parcel S1015325410 in support of the installation of a full access onto Kootenai Street that aligns with Columbus Street to the south. This single access shall be utilized by all three parcels.*

### Attachments

Union Pacific Comments

UNION PACIFIC RAILROAD  
1400 Douglas Street, Stop 1580  
Omaha, Nebraska 68179

Patrick R. McGill/UPC Senior Counsel-Real Estate, Law Dept.

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November 7, 2016

VIA EMAIL ONLY: [lletson@cityofboise.org](mailto:lletson@cityofboise.org)

City of Boise  
Attn: Leon Letson  
150 N. Capitol Blvd.  
Boise, Idaho 83701

Re: Comments to application for rezoning and construction of multi-family development at 2350 W. Kootenai St. & 1110 S. Robert Street, Applicant: Donna Jacobs (the "Project")

Dear Mr. Letson:

Thank you for allowing Union Pacific Railroad Company ("UP") the opportunity to submit the following comments in response to the notice on the above-referenced Project. UP is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of Idaho. UP's rail network is vital to the economic health of Idaho and the nation as a whole and rail service to customers in the Boise Area is crucial to the future success and growth of those customers.

The proposed Project location is adjacent to UP's Boise Subdivision at the center of a wye (triangular shaped arrangement of rail tracks). UP's lessee, Boise Valley Railroad, is the short line railroad which currently conducts freight rail operation on the tracks around the Project location. Any land planning decisions should consider that train volumes near the Project area may increase in the future. UP also asks that the City and the Project developers keep in mind that this is a vital rail corridor and nearby land uses should be compatible with this continuing rail use.

### At-Grade Rail Crossing Safety

The safety of UP's employees, customers, adjoining land owners, and the communities we operate through is our top priority. At-grade rail crossings are areas where railroad operations and the public come into close contact. The proposed Project anticipates two at-grade crossings. UP objects to approval of this Project unless the planned at-grade vehicle crossings are put in place under terms acceptable to UP, including terms establishing the crossings as public crossings. Please note that no agreements between the applicant and UP have yet been reached, and Boise Valley Railroad is not authorized to enter into crossing agreements over the railroad wye or main line. We recommend that the City and developer notify the Idaho Public Utilities Commission (PUC) to schedule a diagnostic meeting regarding the proposed Project. Appropriate modifications to the proposed at-grade crossings may need to be included as part of the Project. Should the Project be approved, UP suggests the City consider holding railroad and crossing safety presentations, such as Operation Lifesaver, for the public on an appropriate basis.

### Increased Traffic Impact

Rail crossing safety is critical to the public and to UP. Any increase in traffic from the Project may render inadequate the current safety devices in place on any nearby at-grade crossings. Additionally, an increase of pedestrian and vehicular traffic may conflict with train operations causing trains to proceed more slowly through the City, and/or make more frequent emergency stops, which would make rail service less effective and efficient. Should this Project be approved, UP requests that the developer and the City examine any increase in vehicular and pedestrian traffic and the impacts on any nearby at-grade road crossings to see if any additional mitigation measures should be included in the Project.

### Trespassing

Any increase in pedestrian traffic will increase the likelihood of trespassing onto the railroad right-of-way. UP requests that the developer and the City examine the Project impacts associated with the increased likelihood of trespassing and set forth appropriate mitigation measures. In particular, UP requests that the developer install a sound wall along the main line and fencing around the legs of the wye to prevent individuals from trespassing onto the railroad tracks. Buffers and setbacks should also be considered adjacent to the right-of-way.

### Noise and Vibration Impact

A railroad's 24-hour rail operations generate the noise and vibration one would expect from an active railway. Any increase in pedestrian and vehicular traffic over and around at-grade crossings may result in additional horn use by railroad employees. As a mitigation measure, the developer should disclose to the general public, including residents of the proposed development, the daytime and nighttime noise levels naturally occurring with rail service, including sounding horns at vehicle crossings where required, as well as the pre-existing and predictably-occurring vibration. These disclosures should note that train volume may increase in

the future. The Project's development plans should also include appropriate mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques.

Drainage and Project Construction

UP requests the City ensure that the drainage plan relating to the Project does not shift storm water drainage toward UP property and infrastructure. Any runoff onto UP's property may cause damage to its facilities resulting in a potential public safety issue. If the Project is approved, we ask that the City require the applicant to mitigate all safety risks and the impacts of the railroad's 24-hour operations during the construction of the Project, including contacting Boise Valley Railroad to arrange for flaggers for work performed within twenty-five feet (25') of the nearest track.

UP appreciates the developer and the City giving due consideration to the above concerns, as this proposed Project may result in impacts to land use and public safety. Please give notice to UP of all future hearings and other matters with respect to the Project as follows:

Paul Nahas, Manager - Real Estate  
Union Pacific Railroad Company  
1400 Douglas Street - STOP 1690 Omaha, NE 68179  
(402) 544-8043  
[plnahas@up.com](mailto:plnahas@up.com)

Please do not hesitate to contact Paul Nahas if you have any questions or concerns.

Sincerely,



Patrick R. McGill  
Senior Counsel – Real Estate  
Union Pacific Railroad Company

cc: Paul Nahas