



DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2921 ■ Fax 208/472-2996 ■
www.gardencityidaho.govoffice

To: River Corridor Ad Hoc Committee
From: Jenah Thornborrow, Development Services Director
Subject: Agenda 1 Materials
Date: July 26 2019

This memorandum is intended to provide the links and information necessary for the first River Corridor Ad Hoc Committee (Committee) meeting. The discussion items below follows the agenda.

Agenda Item E- Purpose

1. Purpose of Committee

The intent of the committee is to develop regulations that take the place of the previous [Boise River Corridor Overlay](#), repealed July 8, 2019.

2. Intent of Boise River Overlay Ord996-18 (BRG)

A synopsis of the scope of work that was initially set forth included the intent to:

- Best direct redevelopment adjacent to the river
- Provide special provisions for large scale development
- Protect the river and other critical habitat and natural resources
- Insure access to and comfortable use of the Greenbelt and Boise River by public and non riverfront properties

The ordinance as adopted stated:

A. The Boise River is the city's most significant natural resource and imparts the unique identity of the City with a river running through it. The Boise River Greenbelt, with its pathways and green spaces, is also significant to the recreational enjoyment, health and conveyance of city residents.

B. The Boise River and Greenbelt (BRG) Overlay District is intended to preserve, protect and enhance the river, and the public's enjoyment and access to the Boise River and Greenbelt through carefully planned and designed development. Mixed use, commercial development, and urban density housing are encouraged that focus on, celebrate, connect and enhance the Boise River environment. Objectives of the provisions in this article:

1. *To protect public access and enjoyment of the river and greenbelt through regulations on the location, orientation, density, and appearance of development.*
2. *To encourage the highest best use development adjacent to the urban river setting through specific use standards.*
3. *To protect critical wildlife habitat and wetlands along the river through limiting development in these areas.*
4. *To minimize disruption and alteration of existing waterways through limitations on grading and land clearing.*
5. *To enhance the natural environment with requirements for appropriate native landscaping, planting and landscape maintenance techniques.*
6. *To protect and enhance connectivity along the greenbelt and linkages with other parks, paths and green spaces through incentives that encourages dedication or easements for public use.*
7. *To create nodes of urban development in certain locations in the District through appropriate use and development standards.*
8. *To provide for emergency and maintenance services to the Boise River and Greenbelt through the requirements for public access.*

Agenda Item F. Background

1. How we got here

Garden City and Garden City Urban Renewal District hired a consultant to draft an ordinance to develop a river overlay district. The contract included specifics:

- Analyze current conditions along the Boise River to draft a working paper which provides the framework for the overall provisions, and purpose, and applicability of such provisions
- Draft an ordinance for a River Overlay District
- Meet with a citizen and staff group to help support the direction of the overlay and draft the ordinance to reflect stakeholder interests
- Research to determine the highest and best uses for the overall district in relationship to return on investment

There were six drafts of the BRG, Ord 996-18, developed by a citizen and staff group prior to adoption. The drafts were circulated in the public and reviewed multiple times by the Parks Committee, Design Review Committee, and Planning and Zoning Commission. On November 27, 2017 there was a joint meeting with members of the Design Review Committee, Planning and Zoning Commission, and City Council. Ms. Kushlan, the consultant, hired Sherry McKibben of McKibben Cooper Architects to provide two renderings utilizing the draft ordinance. The ordinance was adopted February 12, 2018.

Garden City Council noted that that they would like to review Garden City Code 8-3E, the Boise River and Greenbelt ordinance during the March 11, 2019 City Council meeting. On March 25, 2019 there was a neighborhood meeting where several concerns identified by the City Council and community members.

On May 6, 2019 the Design Review Committee, and May 15, 2019 the Planning and Zoning Commission, recommended two changes to the adopted ordinance as a stop-gap measure with an additional recommendation to immediately conduct a thorough review by a committee consisting of experts and affected property owners address the more complex issues identified.

On May 28, 2019 during the City Council hearing, the City Council failed to make a motion related to recommended amendments proposed in ordinance 1005-19.

On July 8, 2019 the ordinance was repealed.

2. Current Ordinances and References

The below links are links to ordinance and reference materials that are currently in place.

- a. [GCC 4-15 Erosion Sediment Control regulations](#)
- b. [GCC 4-14 Storm water management and discharge control](#)
- c. [GCC 6-6-4-3 Industrial Pretreatment prohibitions on storm drainage and ground water](#)
- d. [GCC 8-2B-3 No structures within 70' from riverbank of Boise River](#)
- e. [GCC 8-3B Flood Hazard](#)
- f. [GCC8-3B-5-7 Riparian Zone](#)
- g. [GCC 8-3C Surel Mitchell Work-Live- Create](#)
- h. [GCC 8-3D Neighborhood Commercial Node](#)
- i. [GCC 8-4A General design provisions](#)
- j. [GCC 8-4B Design Provisions for Residential Structures](#)
- k. [GCC 8-4C Design Provisions for Nonresidential Structures](#)
- l. [GCC 8-4I Landscape and Tree Protection Provisions](#)
- m. [GCC 8-4A-7 Stormwater Systems](#)
- n. [Vegetation list](#)

Agenda Item G. Identified Issues with the previous BRG Overlay

Issues that were identified during the review of the Boise River Overlay ordinance included:

1. Criteria that would trigger a Master Site Plan.
2. Clarification as to how to apply the 50% canopy requirement.
3. 'Native' landscape requirements need reviewed by an expert.
4. The ordinance should include provisions to ensure compatibility with neighborhood.
5. Is the desire for mixed use nodes to be required west of Glenwood?
6. Should this ordinance apply to every property adjacent to the Boise River in Garden City?
7. Do the uses that are identified as permitted, conditional, and prohibited make sense?
8. Concerns related to design criteria including setbacks, fill, base flood elevation, streetscape, height, etc.
9. The purpose should not include directing the "highest and best use".

Additional comments that came in during the consideration of the repeal include:

1. IDEQ: Repealing the ordinance outright would ultimately lessen natural canopy cover and increase temperature within the river, which could result in fish kills and increase the potential for harmful algae/cyanobacteria blooms. Since several sections of Lower Boise River are impaired for water temperature, DEQ has been approving of efforts by the City of Boise to reduce temperature along the river and adjacent to Garden City Limits. Repealing or altering this ordinance has the potential to negate some of these efforts and degrade environmental quality unless proper consideration is taken (i.e. – overlay amendments that appeal to both landowners and maintenance of adequate canopy cover).
2. U.S. Fish and Wildlife: Floodplains provide essential habitat services and values. Federal agencies must not facilitate floodplain development [Executive Order (E.O.) 13988]. We recommend constructing structures outside the known floodplain to conserve the floodplain and avoid increasing risks to life and property.

In accordance with E.O. 11988, the Fish and Wildlife Coordination Act, and the Clean Water Act, we recommend avoidance of actions that reduce the size or quality of existing wetland habitats, and minimization and mitigation of any unavoidable losses.

Agenda Item H. Additional Concerns

The below are comments to facilitate discussion of additional concerns may need to be addressed.

1. Purpose: Should the new purpose be the same as identified in the BRG ordinance?
2. Applicability: Would the river corridor may be better defined by a distance to the river (such as 70') or some other mechanism than the entirety of parcels that are adjacent to the river corridor?
3. Allowed Uses: Rather than regulating uses in an overlay, would it be better to revise Table 8-3A-1 to be a reference to guide conditional use decisions in the base zone? If river oriented uses are identified in code, they should be identified in the base zoning districts as well.
4. Setbacks: Is identifying setbacks aside from the setback to the Greenbelt and or River unnecessary as they are defined in the base zone? Would deviation in setbacks in identified in certain designations such as Neighborhood Activity Nodes may be warranted? Should rear setbacks to the greenbelt be increased for both residential and commercial (previously drafted as just residential requiring additional setbacks)?
5. Master Site Plan: Without a Development Agreement is a Master Site Plan requirement ineffective?
6. Building design standards: Can the building design standards be addressed through GCC 8-4 B and C (residential and nonresidential standards)?
7. Where there are current standards such as drainage, fencing, riparian, etc. sould the provisions be combined, referenced, or note which provision supersedes the other?
8. Public Access: Did the previous ordinance adequately protect the public's access to the river and greenbelt? If not, why not?
9. Exterior Lighting: Should exterior lighting be addressed city wide?
10. Did the previous ordinance adequately protect and or enhance the river, critical habitat and natural resources? If not, why not?
11. Are the greenbelt provisions adequate to provide a safe and enduring resource for its users? Should there be a separate standard for nodes of intense use?
12. What would have made the previous ordinance more user friendly or better understood?

Agenda Item I: Plan of Action

1. Proposed Schedule

- a) Committee Meeting 2
 - Discuss greenbelt design and access, vegetation type, habitat, water quality, view corridors, wetlands, emergency access, potential for flood mitigation, setbacks to the river, etc.
- b) Committee Meeting 3
 - Discuss neighborhood compatibility, design, uses, etc.
- c) Charette or extended meeting with stakeholder representatives
- d) Potential Committee Meeting 4
 - Review potential changes based on stakeholder input
- e) Public Hearing Process
 - Neighborhood Meeting (public workshop)
 - Work sessions with Design Review Committee and Planning and Zoning Commission
 - Public hearings with Design Review Committee, Planning and Zoning Commission, and City Council

2. Stakeholders

The proposed schedule includes a charrette or expanded meeting with representation from stakeholder groups to compliment the work that is being done by this committee. Staff will be looking to the committee to identify the stakeholders. Below are potential stakeholders already identified:

- A Resident from each of the following areas: far south east, mid south east, north east, north west, south west
- Fire Department
- Garden City Urban Renewal
- Garden City Design Review Committee
- Garden City Parks Committee
- Garden City Planning and Zoning Commission
- Garden City Engineering as it relates to the floodplain
- Garden City Departments
- USACE
- City of Boise sewer
- Melissa Hill Water Quality Analyst- IDEQ
- Chris Reign: Idaho Department of Fish and Wildlife

3. Framework

As the Committee is tasked with providing new regulations the committee will need to determine the deliverable. This may be in the form of:

- a) Revisions to previous BRG ordinance to fix the issues identified.

OR

- b) Draft more than one ordinance:
- i. One ordinance could address the greenbelt, river, and natural resources as a corridor; and
 - ii. A separate ordinance could address neighborhood design, specifically the 'Neighborhood Destination Nodes' as identified in the [Comprehensive Plan](#) to facilitate the nodes that are envisioned to develop in a higher density and mixed-use manner; and
 - iii. (Optional) Adoption of design standards in a design manual.