

## ARTICLE E. BOISE RIVER CORRIDOR

### SECTIONS:

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#### 8-3E-1 Purpose:

A. The Boise River imparts the unique identity of the City with a river running through it. It is the City's most significant natural resource that is the source of many opportunities as well as threats for the City. The Boise River, with its adjacent pathways, green spaces, and fishery habitat is also significant to the recreational enjoyment, economic wellbeing, and health of city residents.

B. The Boise River Corridor (BRC) 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. Objectives of the provisions in this article:

1. To protect the Boise River as a public asset to the City.
2. To protect public access and enjoyment of the river, Greenbelt, and Nature Path.
3. To preserve space for potential flood protection measures.
4. To preserve, protect, and enhance critical wildlife and fisheries habitat and wetlands, and riparian along the river.
5. To minimize disruption and alteration of existing waterways.
6. To enhance the natural environment with requirements for appropriate native landscaping, planting and landscape maintenance techniques.
7. 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.
8. To provide for emergency and maintenance services to the Boise River, Greenbelt, and Nature Path.
9. To reduce damages during times of flood inundation.
10. To control run off and pollution to protect water quality of the river and its tributaries.

#### 8-3E-2 Applicability:

- A. Provisions of this article apply to all property in Garden City:
  - a. Within seventy feet 70' of the Boise River; or
  - b. Containing a wetland, tributary of the Boise River, or critical habitat.
  - c. Existing legal structures may remain as regulated by Garden City Code 8-1B unless they are deemed to be unsafe or the property is substantially redeveloping.
- B. This Article is not intended to exclude other sections of Garden City Code or regulations. Where there are conflicts the standards identified in this Overlay shall be applied.

#### 8-3E-3 River Zone Standards

- A. Purpose
  - a. Provide riverbank stabilization that includes a strong plant root structure so that scouring will be reduced during times of inundation.
  - b. Encourage plant species capable living through times of inundation.

- c. Reduce water velocities during times of inundation.
- d. Provide ample shade to cool the river to protect against algae blooms, sewer treatment costs, and enhance fisheries habitat.
- e. Provide both aquatic and terrestrial habitat and food sources.
- f. Provide ample shade trees and vegetation to provide a cooling effect for Greenbelt and Nature Path users.

B. Standards

- a. Structures within the river zone shall be restricted to those which are required by public necessity (for example, bridges or water pumps), for public recreation (for example, the greenbelt), and wildlife habitat improvements (for example, vegetation, nesting structures); provided that the use/encroachment meets the approval of the federal emergency management agency and national flood insurance program and does not jeopardize the city's participation in the national flood insurance program. Nonpublic structures, including fencing, signage, benches, bike racks, etc. are not allowed.
  - i. No structure shall be allowed without approval granted through the conditional use permit process or as otherwise designated by the Garden City Council.
- b. Application of chemicals
  - i. No use of restricted use chemicals or soil sterilants regulated by Idaho Department of Agruculture will be allowed within the zone.
  - ii. No use of pesticides, herbicides, fertilizers will be allowed unless approved by regulatory agencies that have jurisdiction over the Boise River.
  - iii. All applications of pesticides, herbicides and fertilizers shall be done by a licensed applicator and applied at minimum application rates and shall be limited to two (2) times a calendar year unless otherwise approved by the Garden City Public Works Department.
  - iv. The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed.
- c. No person shall damage, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant, nor shall any person attach any rope, wire or other contrivance to any tree or plant, nor shall any shall dig in or otherwise disturb grass areas, or in any other way injure or impair the river zone without an approved permit.
  - i. No work shall be done without property owner consent unless no ownership can be determined.
  - ii. Native trees, shrubs, or other plants adapted for survival and growth in the river environment shall be the predominant landscaping material. The City will maintain a reference document identifying appropriate landscape materials.
  - iii. The work to be done has been certified by a biologist, botanist, engineer, or equivalent with at least a master's degree in the field that the purpose of this section is being met.

Commented [JT1]: Who is appropriate to review this?

- iv. Minor pruning above the ordinary high-water mark, including trimming to maintain views, that does not remove, damage or otherwise harm any plant, habitat or cause bank destabilization is allowed without a permit.

#### 8-3E-4 Transition Zone Standards

- A. Purpose
  - a. Provide an intermediary area between the building zone and the public realm.
  - b. The Transition Zone does not apply to areas where there is no Greenbelt or Nature Path adjacent to the Edgewater Estates Subdivision and Plantation Subdivisions including Investors Planation on the River.
  - c. Provide safe and comfortable space for Greenbelt and Nature Path users.
  
- B. Standards
  - a. No structures including fences shall be allowed within 5' of the greenbelt or Nature Path travel way unless it is a structure, such as a bench, bike rack, water station, bike fix-it station, art, etc. intended to be used by the public from the greenbelt. These structures shall be placed in a way that users are completely clear of the travel way and can be utilized safely.
  - b. The design of fences and walls within 5' to 15' of the greenbelt travel way shall have the following characteristics:
    - i. Be a maximum height of 3.5' from grade.
    - ii. Visually separate but not hide semi-private spaces.
    - iii. Provide separation while encouraging interaction between private property and greenbelt users.
    - iv. Be designed, fabricated with materials or setback so as not be a safety hazard to greenbelt users.
  - c. No parking areas shall be allowed within the Transition Zone except at the termination of public streets
  - d. Utility equipment, parking areas, opaque fences and walls taller than 3.5', and trash enclosures shall be screened from view from the Greenbelt, Nature Path, and the Boise River, preferably by landscaping.
  - e. Exterior Lighting: All nonessential exterior commercial, recreational, and residential lighting shall be turned off after business hours and/or when not in use.
    - i. Lights on a timer and sensor activated lights are encouraged. Lighting shall activate only when motion on the property is detected.
    - ii. Lighting shall be located to prevent lighting into adjacent properties or onto the greenbelt.
    - iii. All building lighting fixtures shall be full cutoff fixtures with the light source fully shielded.
    - iv. All area lights shall be a minimum eighty-five degree (85°) full cutoff type luminaries.
    - v. The maximum lumen output shall be 260 lumens.
  - f. Landscaping
    - i. Landscaping should be used to provide transitions between uses, soften and buffer utility and loading areas, and provide pleasing textures and variety particularly next to buildings, along walkways, and within pedestrian plazas.

- ii. Landscaping must be trimmed so as to not interfere with the travel way of the Greenbelt or nature Path.
  - iii. The area measured fifteen feet (15') from the greenbelt landward shall include a minimum of 50% tree canopy coverage achieved measured by the anticipated diameter of the tree at maturity. Should any tree utilized to achieve this standard be removed it shall be replaced by a tree that is equal or greater in size.
  - iv. Landscaping materials requiring a substantial application of chemicals and fertilizer for survival is discouraged.
- g. Buildings fronting the Greenbelt
- i. Structures shall not front onto the Nature Path.
  - ii. Buildings fronting the Greenbelt may have double frontage onto a public street.
  - iii. Buildings fronting the Greenbelt must have at least 50% of the first-floor façade dedicated to surfaces such as windows, showcases, displays, or pedestrian access elements.
  - iv. The configuration and scale of buildings fronting on the Greenbelt shall be designed to interact with the greenbelt, open spaces and gathering places to create a dynamic and interesting environment.
  - v. The scale, arrangement and texture of buildings, and open space shall vary throughout the development to reflect function, interest and significance.
  - vi. Stand-alone building styles shall be discouraged.
  - vii. Buildings should present an undulating front to the greenbelt so that a large expanse of a building does not dominate the greenbelt and river. This should be accomplished through the use of form changes with setbacks/stepbacks. Additional building design components can contribute to the undulation such as balconies, canopies, awnings, change of materials or colors, porches and outdoor spaces.
  - viii. All residential uses shall provide space in addition to enclosed garages (may be achieved as additional space within the garage) for the storage of recreational and other equipment.
  - ix. Building design for all uses are encouraged to include spaces that support bicycle use including: enclosed bicycle storage with easy connection to the greenbelt and other bicycle trails; cleaning and maintenance facilities; and showers and changing area for uses with employees. Parking requirements may be reduced accordingly.

**8-3E-5 Natural Resource Protection Standards**

- A. Purpose
  - a. Protect the natural resources and critical habitats.
- B. Standards
  - a. Drainage. All drainage from buildings, parking/loading areas, and other impervious surfaces shall be retained on the development site or directed to a drainage facility as part of an overall drainage master plan using dry wells or other City-approved method such as landscaping, retention basin, swale, or similar bio-filtration systems that are not directly connected to the Boise River.
  - b. Waterways: any waterway that is tiled must be mitigated by opening or enhancing another waterway in Garden City equal in size to that which is tiled.

- c. Wetlands and critical habitat.
  - 1. No wetlands, Black cottonwood riparian plant community, riparian forests, scrub-shrub wetlands, emergent wetlands within the floodplain, trout spawning waters, or other critical wildlife habitat areas shall be reduced in size.
  - 2. Exterior lighting shall not trespass on critical habitat that may be sensitive to light.
  - 3. Relocation may occur on site to enhance the natural resource.
- d. Streambank Stabilization. Where streambank stabilization is required, fifteen feet (15') wide strip of vegetation to cover a minimum of 70% of the river frontage shall be required. In situations where structural stabilization measures (such as riprap, gabbing) are deemed necessary, the design of the structure shall include overplanting with vegetation and the deliberate enhancement of fish habitat.

**8-3E-6 Setbacks**

- A. Purpose
  - a. To protect public comfort, safety, and enjoyment of the Greenbelt, and nature path.
  - b. To preserve space for flood protection.
- B. Standards
  - a. The dimensional standards within the Boise River Corridor are defined in Table 8-3E-1 Dimensional Standards:

<b>Table 8-3E-1 Dimensional Standards</b>	
<b>Setbacks</b>	
Minimum setback from the Ordinary High-Water Mark (see 8-5C-4B-5)	70'
Minimum setback from Wetlands Areas	50'
Minimum front setback greenbelt*	15'
Minimum rear setback greenbelt/ nature path*	30'
Critical Habitat: Great Blue Heron Rookeries**	300'
Critical Habitat: Eagle nesting, feeding, and loafing**	200'
A side channel with a width of less than 15' in width or flow of less than 5 c.s.f.	20'
A side channel at least 15' in width with a flow of 5-150 c.f.s.	25'
<b>Maximum Height</b>	
Within 5-15' from the greenbelt	15'

- b. Minimum setback from the Ordinary High-Water Mark 6,500 cfs and designated wetlands/critical habitat areas shall take priority over any other setback provisions.

\* Measured from the land side of the greenbelt or nature path right of way. The setback must also be at least 70' from the ordinary high-water mark. Where there is no greenbelt or nature path the base zone provisions shall apply.

\*\* Designated by Idaho Fish and Game Department

### 8-3E-7 Greenbelt Standards

- A. Purpose
  - a. To protect public comfort, safety, and enjoyment of the Greenbelt, and nature path.
- B. Applicability
  - a. This section applies to all new subdivisions including minor land divisions and all new or substantial redevelopment of more than two residential units and all nonresidential uses adjacent to the Greenbelt or identified future greenbelt location.
- C. Standards
  - a. No public access to the Greenbelt or Nature Path shall be gated from public streets.
  - b. The path should be a minimum of 25' from the Ordinary High-Water Mark (6,500 cfs).
  - c. The path shall provide a 25-foot minimum horizontal clearance for emergency and maintenance vehicle access.
  - d. The paved section of the path shall be a minimum of 15' in width. The paved section of the intersection of the greenbelt with a street end shall provide adequate access for emergency and maintenance vehicles.
  - e. The underlying base should be 4 inches of compacted crushed gravel (not required on Nature Path).
  - f. Pavement thickness should be 2 inches of asphaltic concrete or an equivalent as determined by the Public Works Director (not required on Nature Path).
  - g. Appropriate treatments should be undertaken to inhibit root growth from coming up through the pavement, including a minimum depth of 24" and a 36" perimeter of a root barrier.
  - h. The path should be sloped to provide proper drainage. Low spots should be avoided where water may accumulate.
  - i. Conduit a minimum of 2" wide and buried 36" deep and with pull boxes every 500' located on the landward side of the Greenbelt and Nature Path shall be provided.
  - j. The greenbelt may be improved with a minimum pavement width of 22' to meet the requirements for a secondary access for emergency vehicles.
  - k. In areas of high activity, such as Neighborhood or Destination Centers a secondary separated parallel pathway of 5' in width or increased pathway width of 20' may be required to reduce bicycle and pedestrian conflicts.

### 8-3E-8 Access Standards

- A. Purpose
  - a. Direct access to the Boise River so as to protect the banks of the river.
  - b. Maximize public access to the Greenbelt.
  - c. Reduce the need for large parking lots servicing the Greenbelt and Nature Path.
  - d. Provide adequate emergency, flood protection, and maintenance access to Greenbelt, Nature Path, and Boise River.
- B. Applicability
  - 1. New and substantial redevelopment shall provide access in accordance with section.

C. Standards

1. Improved access to the Boise River shall be prohibited in all areas that are not approved through a conditional use permit with approval of city council or otherwise designated by the city council. Access shall not be permitted for private use of individuals or subdivisions. No improved access shall be gated from the public unless the access is for emergency services, maintenance of public facilities or natural resources, or flood control or irrigation maintenance only.
2. The existing street grid pattern east of Glenwood shall be extended to the Greenbelt to provide public, emergency, and maintenance access that is minimum of thirty feet (30') in width. On-street parking shall be provided on both sides of the street.
3. Public corridors to the greenbelt that are at least fifteen feet (15') in width shall be provided approximately and at least every 300' feet (measured parallel to the greenbelt). Extension of the existing street grid can satisfy this requirement, or the space can also serve as landscaping, emergency equipment access, water retention zones, or utility easements.
4. Where the public right-of-way is not extended to the Greenbelt and Nature Path, pathway and river users' parking shall be provided approximately and at least every 600' feet (measured parallel to the greenbelt).

**GARDEN CITY CODE 8-7A-2 DEFINITIONS OF TERMS**

Critical Habitat: Those areas categorized by the US Fish and Wildlife Service or United States Army Corps of Engineers as: fresh water emergent wetlands, freshwater forest/shrub wetlands, freshwater pond, lake or riverine.

Greenbelt- Asphalt pathway for non motorized use running generally adjacent to the Boise River Garden City the entire length south of the Boise River and in sections north of the Boise River.

Nature Path- Pedestrian pathway generally located north of the Boise River West of Glenwood along the Boise River from the Garden City West Bridge to Strawberry Glenn Road.

Ordinary High Water Mark- 6500 c.f.s. line, as determined by the Public Works Department based on their monitoring of annual flows

River Zone- All land riverside of the Greenbelt or Nature Path or 25' from the or from the ordinary high-water mark whichever is greater; or where there is no Greenbelt or Nature Path such as in the area of the City north of the River west of Glenwood or through the Edgewater Estates Subdivision the River Zone shall be considered the floodway as designated by the affective Flood Insurance Rate Map (FIRM) and 25' from the ordinary high-water mark (6500 cfs).

Transition Zone- The transition zone applies to all property directly adjacent to the Greenbelt and Nature Path 15' landward.

~~GREENBELT,- Land within seventy feet (70') of the six thousand five hundred-  
BOISE RIVER:- (6,500) cfs flow line of the Boise River which may be owned by-  
the city or over which the city may have a right of possession-~~

~~or use and: (A) which is designated by the city council to be retained in perpetuity for public use for purposes compatible with aesthetic, wildlife, education and recreational values of the Boise River; (B) which will provide for unrestricted, noncommercial access to the river; and (C) which will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.~~

#### **8-3B-5-7: RIPARIAN ZONE:**

~~The riparian zone is to be left natural. Uses within the riparian zone shall be restricted to those which are required by public necessity (for example, bridges or water pumps), for public recreation (for example, the greenbelt), and wildlife habitat improvements (for example, vegetation, nesting structures); provided that the use/encroachment meets the approval of the federal emergency management agency and national flood insurance program and does not jeopardize the city's participation in the national flood insurance program.~~

~~A. Improved access to the Boise River shall be prohibited in all areas that are not approved through a conditional use permit with approval of city council or otherwise designated by the city council; and~~

~~B. Approved accesses to the Boise River must be designed in such a way so as to not destabilize the banks of the river.~~

~~1. No use of restricted use chemicals or soil sterilants will be allowed within the riparian area.~~

~~2. No use of pesticides, herbicides, fertilizers will be allowed unless approved by regulatory agencies that have jurisdiction over the Boise River.~~

~~3. All applications of pesticides, herbicides and fertilizers shall be done by a licensed applicator and applied at minimum application rates and shall be limited to two (2) times a calendar year unless otherwise approved.~~

~~4. The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed.~~

~~C. No person shall damage, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other~~

~~contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the riparian zone without an approved permit. Minor pruning above the ordinary high water mark that does not remove, damage or otherwise harm any plant, habitat or cause bank destabilization is allowed without a permit.~~

D. — A permit may be granted for:

~~1. Removal of downed trees or trees identified by the city arborist to pose a danger to life, limb or property may be removed.~~

~~2. Replacement of nonnative plants with native plants to provide habitat or bank stabilization.~~  
(Ord. 944-12, 5-14-2012)