

September 1, 2020

TO: Honorable Mayor John Evans and City Council Members

RE: CPAFY2020-0005 SAP BASE ZONE

FROM: Andrea and Eric Fogleman, 6420 W. Plantation Lane, Garden City, ID. 83703

This is a follow-up to our public comments dated August 13, 2020 for which you received a copy.

As you discuss this application at your work session and finally at your Council meeting in September we request you consider these additional comments with regard to the proposed code:

- 1. Pages 3 & 4; Table 8-6A-2:** The applicant indicates that the **Required Application Information** for an SAP is the same as for a Zoning Map Amendment. An SAP and Master Plan is SO MUCH MORE than a Zoning Map Amendment and it requires a Master Plan that may be implemented in phased approaches. Please consider that an SAP is more closely aligned with a PUD and should have the same requirements including a **Landscape Plan, Engineering Drawings and Specifications, Covenants and Deed Restrictions, Lighting Plan and Schematic Drawings. These components should be included and marked with an "X" on Table 8-6A-2.** The Master Plan should be submitted as a full plan for the entire property and not as each phase is developed; as such, these components should be required.
- 2. Page 7, B, Applicability:** This section states that an SAP is encouraged for use in **TOD Activity Nodes or as Neighborhood Destination Activity Nodes or as Future Planning Areas.** The Activity Nodes are located on the zoning map but there is no clear definition as to how they are determined and measured as far as size, center point and boundaries. The only reference we could find is located on page 33 of Resolution 1061-19 (Garden City Comprehensive Plan) where it states: "common characteristics include a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walk-able area of the node center". How is the center determined? Is the quarter mile walk-able area a required size? Is there a separate zoning code for "Nodes"? If the Activity node is located on private property, does the owner have any choice to leave the area as open space? **Since the SAP will apply directly to these areas, there should be a clear and concise definition as to what they are and what they include.**
- 3. Please consider having an independent Land Use Law Attorney review the proposed Code as written prior to your work session and the City Council meeting.** We as citizens don't know what we don't know; we don't know the right questions to ask or how one code applies to another. Throughout the discussion regarding this proposal there were many references to a specific issue where the answer was "that is covered in another code". I trust the professionals in your Development Services and Legal departments but I also know that the work they do can be overwhelming at times. The applicant has described numerous meetings with staff and legal that may present a perception of collusion. The City of Boise (and other public agencies) was recently criticized for this very issue where City staff and officials are charged to work in the public's interest, not those they regulate. Let's not add Garden City to the list. **An independent legal review will help to assure citizens that the proposed code has been fully vetted and is good for Garden City, despite the fact that the prime beneficiary is the applicant who is proposing it.**

Thank you for your consideration.