



DEVELOPMENT SERVICES DEPARTMENT

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To: Mayor and City Council
From: Jenah Thornborrow, Development Services Director
Subject: Potential Repeal of GCC 8-3E: Ordinance 1005-19
Date: July 8, 2019

Requested Action

- 1) Decision on whether to repeal the Boise River and Greenbelt overlay GCC 8-3E
- 2) If the repeal of the ordinance is approved, the first reading of ordinance 1008-19 or suspension of the rules and adoption.

Background

Garden City Council noted 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 two items were specifically discussed. The first item was identifying a trigger for the requirement of a master plan. The second was that the code considers the City Council the final decision maker as well as the appeal body. The second issue has already been addressed in ordinance 1004-19 that passed on April 22, 2019.

Garden City Code requires that revisions to Title 8 go through a neighborhood meeting process before application can be submitted. During the City Council on March 25, 2019, the neighborhood meeting was conducted. There were numerous concerns with the code identified. Some of the concerns are relatively straight forward and could immediately make the ordinance more useable for property owners who are intending on developing within the overlay. Some of the concerns are more complex and would arguably need a committee and, or experts to weigh in on potential changes.

Through the work sessions with the Design Review Committee on April 15, 2019, and with the Planning and Zoning Commission on April 17, 2019 appointed boards staff presented items that could be relatively easily addressed could move forward as a stop gap measure:

1. Criteria that would trigger a Master Site Plan.
2. Clarification as to how to apply the 50% canopy requirement.

The identified concerns that were identified to be more complex included:

1. The 'native' landscape requirements.
2. The ordinance should include provisions to ensure compatibility with neighborhood.
3. Is the desire for mixed use nodes to be required west of Glenwood?

4. Should this ordinance apply to every property adjacent to the Boise River in Garden City?
5. Do the uses that are identified as permitted, conditional, and prohibited make sense?
6. Concerns related to design criteria including setbacks, fill, base flood elevation, streetscape, height, etc.
7. Is there any portion of this code in its current that may constitute regulatory takings?

The appointed boards concurred that it would be beneficial to have a committee consisting of experts and affected property owners address the more complex issues.

On May 6, 2019 the Design Review Committee, and May 15, 2019 the Planning and Zoning Commission, recommended approval of changes to the master site plan requirement and tree canopy requirement. Both boards also recommended that the more complex issues identified be addressed promptly.

On May 28, 2019 the City Council reviewed the recommendations and failed to make a motion. During discussion the City Council agreed with the recommendations it would be beneficial to have a committee consisting of experts and affected property owners provide input.

A hearing was noticed for July 8, 2019 to repeal the ordinance in its entirety. This process has not commenced with a neighborhood meeting and additional hearings from the recommending bodies, as the recommendations have already been made.

Agency Comments

Additional agency comments were received from U.S. Fish and Wildlife. They have noted that they recommend preserving floodplain and avoid actions that may reduce size or quality of wetland habitats.

Links

Design Review Committee work session [April 15, 2019](#) materials
Design Review Committee public hearing Materials [May 6, 2019](#)
Planning and Zoning Commission work session [April 17, 2019](#) materials
Planning and Zoning Commission [May 15, 2019](#) public hearing materials
[May 28, 2019 City Council packet](#)
[Noticing Documents for July 8, 2019](#)

Attachments

Draft Decision
Draft Ordinance 1008-19