

**From:** [Bob Taunton](#)  
**To:** [Charles Wadams](#)  
**Cc:** [JoAnn Butler](#); [Jenah Thornborrow](#)  
**Subject:** Re: Proposed Changes to Garden City Code Re: Specific Area Plan  
**Date:** Monday, November 23, 2020 10:13:00 AM

---

Charlie, both JoAnn and I really appreciate you taking your time to review Boise's Specific Plan process with Cody Riddle and Celine Acord. As you know we arranged a meeting with them that Jenah attended last May while we were drafting the code amendment to gain their experience with the Boise Specific Plan code. When asked if they would change anything and they responded that they would not change a thing.

Since JoAnn and I were involved with 2 of the 3 Specific Plan Districts adopted in Boise, we have experienced both what we would call an overly complex Specific Plan (that is, Harris Ranch, which was complex by the design and desire of the applicant, the Harris family), and a more conventional Specific Plan (that is, Syringa Valley).

We wanted to provide you with our feedback on your takeaways from your conversation with Cody and Celine. Please include our comments in the public record and share them with the Mayor and Council.

Our comments are in blue below:

(1) While Boise's limited use has been for greenfield development, if written carefully, there seems to be an application for redevelopment scenarios.

**Good point.**

(2) Boise may use it for redevelopment in the future such as changing parking lots or mechanic shops to something else.

**Good point.**

(3) It is like a mini comp plan or an urban renewal district without the funding mechanism (cohesive look).

**We do not believe this is an accurate description of a Specific Area Plan District. An adopted SAPD contains a master plan for the District (or zone) with unique form (or zoning) standards that implements Garden City's the Comprehensive Plan.**

**Because a SAP application must contain the narrative information and illustrative plans required for a master plan application under Garden City Code § 8-7B-1I (as described in Table 8-6A-2 and §8-6B-6.C.1), perhaps one way to describe the master plan is a "mini-comp plan", but this term may be confusing to some.**

(4) It will allow for different standards, such as height limits.

**Correct. Using height as an example, a particular SAP may set its height limit differently from Garden City's other zones. Garden City sets a maximum height of: 35' in the R-1 and R-2 zones; 72' in the M zone; and 55' in the LI zone. Other districts in Garden City (R-3, R-20, C-1 and C-2) do not have a maximum height.**

**Exactly what height limit is found in an SAP depends on what an applicant requests and what is approved through the public hearing process**

(5) Need to be careful about addressing nonconforming uses.

**We appreciate this point. If there are existing uses on a site for which a property owner is making application for an SAPD, and if those uses are not completely in line with the desired uses in the SAPD, these existing uses should either be identified as legal non-conforming uses or should be identified as conforming uses in the SAPD.**

(6) It creates a form based standards rather than Euclidean zoning.

**Correct. Form-based zoning and Euclidean zoning are both land use tools that are used to help a community achieve its desired vision for itself.**

**Here's how the Form Based Codes Institute ([formbasedcodes.org/definition](http://formbasedcodes.org/definition)) draws a distinction between a form based code (which focuses on the relationship of buildings and public spaces such as streets and sidewalks) and an Euclidean code (which focuses on the segregation of land uses and separating those uses through, e.g., setbacks):**

**A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.**

**Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.**

**This approach contrasts with conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development**

intensity through abstract and uncoordinated parameters (e.g., FAR, dwellings per acre, setbacks, parking ratios, traffic LOS), to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory. They are drafted to implement a [master] plan. They try to achieve a community vision based on time-tested forms of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes depends on the quality and objectives of the [master] plan that a code implements.

**Charlie, please do share the [Formbasedcodes.org/definition](http://Formbasedcodes.org/definition) site with Council. We believe they will appreciate the information.**

(7) I think their SAPD zone is called SP01 or something.

**Correct. Boise has 3 specific area plan districts:**

**SPO-1 Harris Ranch**

**SPO-2 Barber Valley**

**SPO-3 Syringa Valley**

**The number in the reference merely refers to the relative date of adoption.**

(8) Once there is a new SAPD base zone, if somebody wants to rezone under the area plan, it will be about a 1 year process.

**If the City has adopted a SAPD base zone and, in the future, the property owner applies for a rezone, how long a typical rezone takes in Garden City may be different from Boise's timeline.**

(9) There is a lot of up front work so once it is all entitled at once, you do not have to do it piecemeal.

**That is the key attribute of a Specific Area Plan District – upfront work with Staff and stakeholders so there is: (1) a coordinated master plan for the entire property under consideration, and (2) the implementing form-based codes to implement that master plan. The community has a solid understanding of what will be developed on the property.**

(10) To rezone, it will be done through the public process.

**Correct; as with any rezone in Garden City.**

(11) However, once the rezone is complete and a specific plan is adopted, much of the review is administrative and there will be no public process after the rezone.

**This is not correct for Garden City. The Specific Area Plan does not approve any development. Additional applications required, e.g. preliminary plats; conditional use permits. This is specified in §8-6B-6.C.2.**

(12) When a particular plan is adopted, only a portion of it is codified, and the rest of the plan is in the ordinance by reference.

**As an example, the Syringa Valley Specific Area Plan Ordinance includes only the modifications to the Boise code and the balance of the code is adopted by reference.**

## **11-013-03 SYRINGA VALLEY**

### **1. APPLICABILITY OF ORDINANCE**

This Syringa Valley Specific Plan Zoning Ordinance applies to all property designated on the Syringa Valley Specific Plan Overall Sub-Zoning Map (Figure 11-013.9 below) in lieu of Chapter 11-04, *Zoning Districts*, except where noted herein. All remaining chapters of this Code still apply, except where noted herein. If any provision of this section conflicts with any provision of the Code, the provisions of this section shall control.

(13) It provides assurances to owners if adequate outreach has been done with the owners.

**Charlie, we were not sure what you are saying here, but if you are saying that Cody and Celine recommend outreach to neighbors, we agree.**

(14) A lesson learned is that you do not want too much detail in the plan, such as in the case of Harris Ranch.

**Correct. The planners in Boise have suggested that it may be wise to avoid the very detained Harris Ranch approach, which can lead to the need for amendments as development proceeds. The detailed approach of Harris Ranch may have been inevitable with a huge project such as Harris Ranch.**

**Syringa Valley followed the advice of Boise Staff and avoided the very complex approach used in Harris Ranch.**

(15) In the case of Harris Ranch, there was a tremendous amount of public outreach for 1-2 years by using things such as charrettes.

**Public outreach at Harris Ranch was quite extensive up front for a number of reasons: a desire by the Harris Family to engage in extensive public outreach, and**

**just the fact that Harris Ranch extends over thousands of acres from high in the foothills to frontage along the Boise River. When the first plans were proposed, the only public roads existing were Warm Springs and Eckert Road.**

**Public outreach for Syringa Valley was focused on transportation, ground water and airport noise; it did not involve the extensive process at Harris Ranch. There were 2 neighborhood meetings and numerous outreaches to the neighborhood association leaders.**

(16) In Boise, the planner can allow a 20% variation of the standards.

**This has not been proposed for Garden City.**

(17) We would be well advised to get ACHD's buy-in, and should have a conversation with ACHD early.

**We believe that "buy-in" is probably not the correct phrase, but it is always useful to meet with local government agencies early in the process. ACHD would have comments on the areas of their exclusive jurisdiction (such as streets and drainage) and access.**

**We believe that Cody and Celine may have mentioned the importance of early involvement of traffic agencies because Harris Ranch involved extensive public road improvements (e.g., the East Parkcenter Bridge) through this formerly large expanse of undeveloped ranching land. Also, at the time Harris Ranch was beginning to plan for development, ITD was in the process of planning and moving State Highway 21 from Warm Springs Boulevard (which bisected Harris Ranch) to the present Kelton Crossing. There was a great deal of coordination between state and local transportation agencies.**

**During the Syringa Valley SP application preparation, there were several meetings with ACHD related to the limited transportation capacity in Southwest Boise and how the project would address those constraints.**

(18) For example, in Harris Ranch, they needed ACHD to put in the bridge, and it required a new traffic study for every 200 lots.

**As noted above, Harris Ranch was unique. The agreement between ACHD and Harris Ranch required the dedication of right-of-way by Harris Ranch and road construction, sometimes by ACHD and sometimes by Harris Ranch. Certain triggers for the dedications and construction were often determined by traffic counts.**

**ACHD typically requires a TIS if a proposed project is likely to exceed certain traffic thresholds. Large projects typically have an ACHD condition to update the original TIS after a certain number of trips/units are reached to validate the original TIS projections and adjust site specific conditions if required (e.g., the timing for adding a lane or improving an intersection). Syringa Valley, for example, was required to update its TIS when 1,770 average daily trips were reached (i.e., after 171 dwelling units were constructed).**

(19) They question the 10 acres requirement while giving the planner discretion to offer it to less than 10 acres. In Boise it can be used if it is 2 Acres or one city block and they think giving the planner discretion to deviate could be problematic.

**If Cody and Celine are saying it is better to make the minimum size smaller as opposed to just giving the Planning Director discretion to allow an SAP for a smaller-sized property, we do not see an issue with this.**

**Bob Taunton**

President, Taunton Group, LLC

Mobile: 208-401-5505

Email: bobtaunton@tauntongroup.com

On Wed, Nov 18, 2020 at 4:48 PM Charles Wadams <[cwadams@gardencityidaho.org](mailto:cwadams@gardencityidaho.org)> wrote:

I spoke with Celine and Cody this morning, and here are their comments regarding an SAP:

1. While Boise's limited use has been for greenfield development, if written carefully, there seems to be an application for redevelopment scenarios.
2. Boise may use it for redevelopment in the future such as changing parking lots or mechanic shops to something else.
3. It is like a mini comp plan or an urban renewal district without the funding mechanism (cohesive look).
4. It will allow for different standards, such as height limits.
5. Need to be careful about addressing nonconforming uses.
6. It creates a form based standards rather than Euclidean zoning.
7. I think their SAPD zone is called SP01 or something.
8. Once there is a new SAPD base zone, if somebody wants to rezone under the area plan, it will be about a 1 year process.
9. There is a lot of up front work so once it is all entitled at once, you do not have to do it piecemeal.
10. To rezone, it will be done through the public process.
11. However, once the rezone is complete and a specific plan is adopted, much of the review is administrative and there will be no public process after the rezone.
12. When a particular plan is adopted, only a portion of it is codified, and the rest of the plan is in the

ordinance by reference.

13. It provides assurances to owners if adequate outreach has been done with the owners.
14. A lesson learned is that you do not want too much detail in the plan, such as in the case of Harris Ranch.
15. In the case of Harris Ranch, there was a tremendous amount of public outreach for 1-2 years by using things such as charrettes
16. In Boise, the planner can allow a 20% variation of the standards.
17. We would be well advised to get ACHD's buy-in, and should have a conversation with ACHD early.
18. For example, in Harris Ranch, they needed ACHD to put in the bridge, and it required a new traffic study for every 200 lots.
19. **They question the 10 acres requirement while giving the planner discretion to offer it to less than 10 acres. In Boise it can be used if it is 2 Acres or one city block and they think giving the planner discretion to deviate could be problematic.**

Regarding Boise revamping its development code, they said:

- (1) It is being amended because the development code is from around 1965 and the design standards are 10-20 years old.
- (2) New code will have more form based standards.
- (3) The primary corridors (downtown for example) will be more form based.
- (4) However, it will be a mix of form based standards rather than Euclidean zoning.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

---

**From:** Charles Wadams

**Sent:** Monday, November 9, 2020 3:19 PM

**To:** 'Bob Taunton' <[bobtaunton@tauntongroup.com](mailto:bobtaunton@tauntongroup.com)>; 'JoAnn Butler' <[jbutler@butlerspink.com](mailto:jbutler@butlerspink.com)>; Jenah Thornborrow <[jthorn@GARDENCITYIDAHO.ORG](mailto:jthorn@GARDENCITYIDAHO.ORG)>

**Subject:** Proposed Changes to Garden City Code Re: Specific Area Plan

I have decided that I have no problems generally with area specific plans as long as they are drafted correctly. Other jurisdictions generally have done them in undeveloped areas, like Ten Mile. As long as they are done through the public hearing process I see no issues. They are much better in Code than as just part of the Comp Plan because they can get lost in interpretation over the years.

However, Boise is also in the process of re-vamping its development code. Because we are thinking about adopting a similar code, I have emails out to Celine Accord ([caccord@cityofboise.org](mailto:caccord@cityofboise.org)) and Cody Riddle ([criddle@cityofboise.org](mailto:criddle@cityofboise.org)) to see what changes they would recommend. Celine is in charge of planning and Cody is the senior manager of the whole division.

Thanks, Charlie.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

---

Total Control Panel

[Login](#)

To: [jthorn@gardencityidaho.org](mailto:jthorn@gardencityidaho.org) [Remove](#) this sender from my allow list

From:

bobtaunton@tauntongroup.com

*You received this message because the sender is on your allow list.*