DEVELOPMENT SERVICES DEPARTMENT

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To: Mayor and City Council
From: Jenah Thornborrow, Development Services Director
Subject: SAPFY2026-0001 Continued Public Hearing
Date: For October 26, 2026, City Council Meeting

REQUEST

1. Continue and conclude the public hearing for Application SAPFY2026-0001, consider all testimony and evidence submitted into the record, and make a decision on the application SAPFY2026-0001.

If approved:

2. Conduct the first reading of Ordinance No. 1071-26 by title only.
3. Conduct the first reading of Ordinance No. 1072-26 by title only.

PURPOSE

The purpose of this memorandum is to summarize material changes to the record, revisions to the proposed ordinances, and public comments received since the September 28, 2026, public hearing.

BACKGROUND

The September 28, 2026, public hearing was left open to allow the public additional time to review the proposed changes to Ordinance No. 1071-26.

This memorandum supplements the (hyperlinked) staff memorandum provided for the September 28, 2026, public hearing.

Since the September 28, 2026, public hearing, staff has:

- Published redline versions of Ordinance No. 1071-26 on October 2, 2026.
- Received additional public, legal, and Council Member comments.
- Prepared further ordinance revisions for Ordinance No. 1071-26 City Council consideration.
- Updated the draft Decision document.

ORDINANCE 1071-26 CODE REVISIONS SINCE SEPTEMBER 28, 2026, PUBLIC HEARING

A redline version of Ordinance No.1071-26 was provided to the public on October 2, 2026: DRAFT 7, 10/02/2026 (hyperlinked). Key revisions include:

- Single Family Dwellings adjacent to the Boise River Greenbelt were designated as a Conditional Use Permit with additional use-specific criteria.

- Clarification that the location and alignment of the Adams Street bicycle connection are flexible and are not required to follow a specific route.
- Revision of height standards adjacent to existing residential neighborhoods, establishing a maximum height of 45 feet and introducing height tiering requirements.
- Revision of language regarding setback standard to require mitigation of impacts on adjacent properties and the public realm, including privacy, noise, and visual bulk, with increased setbacks required where impacts cannot be adequately mitigated.
- Laundromat revised to be a permitted use.
- Addition of a Boise River Greenbelt intent statement to encourage riverbank and habitat restoration.
- Clarification that an approved Regulatory Master Plan may allow reduced density on lots smaller than one acre.
- Requirement for a public hearing for initial Regulatory Master Plan approval.
- Revisions to Regulatory Master Plan required findings to align with legal review, including relocation of certain provisions to other sections of the ordinance.
- Addition of definitions for "Equivalent" and "Materially Interfere," and revision of the definition of "Multiuse Path" to reference Idaho statute.

Proposed Revisions Since Publication of October 2, 2026, Redline Draft
DRAFT 7 REVISED 10/26/2026 (hyperlinked). Key revisions include:

- Illustrative Master Plan:
    - Conflicting Illustrative Master Plan and Illustrative Infrastructure Plan terminology changed to all reference Illustrative Master Plan.
    - Erroneous statement that height is shown on the Illustrative Master Plan was removed.
- Boise River Greenbelt Environmental Language: Revised the environmental intent statement from "Encourage riverbank and habitat restoration" to "Encourage riverbank stabilization and protection of riparian corridors, aquatic systems, and wetlands."
- Height:

  Original Draft, October 2, 2026

    - 15' minimum setback for all structures.
    - Maximum height of 45 feet between 15 and 30 feet from Adjacent Residential setback.

- Maximum height of 58 feet between 30 and 40 feet from Adjacent Residential setback.
- Maximum height of 72 feet beyond 40 feet from Adjacent Residential setback.

Proposed Revision for October 26, 2026, Hearing

- 15' minimum setback for all structures.
- 45' / 4-story maximum façade facing residential property.
- Buildings over 45' must move back to a 25' minimum setback.
- 45' maximum height within the first 35' from the residential property line.
- 58' maximum height between 35' and 50'.
- 72' / 6-story maximum beyond 50'.

- Public Art contribution: added: "The applicant may choose to contribute more than the required minimum."
- Reference to Materially Interfere has been removed from the Regulatory Master Plan required findings.
- Definition of Materially Interfere has been removed.
- Addition of Adjacent Residential setback definition to make the code section regarding height less confusing
- Severely Compromise definition added.

PUBLIC COMMENTS

Written comments that were received since the previous September 28, 2026, staff report as of October 19, 2026, at 6:00 pm are hyperlinked in this memorandum below. Previous written comments are hyperlinked and summarized within in the September 28, 2026, Staff report.

- Hannah Ball 09282026
- Nancy Baskin 09282026
- Thomas Baskin 09282026
- Curt Fransen 09282026
- Curt Fransen 09302026 1
- Curt Fransen 09302026 2
- Rod Linja 09302026 1
- Rod Linja 09302026 2
- Rod Linja 09302026 3
- Hawk Stone 10022026
- Rod Linja Curt Fransen 10062026
- Rod Linja Curt Fransen 10062026 2
- Norma Schafer 10152026
- Curt Fransen 10162026
- Tom Baskin 10182026
- Nancy Baskin 10192026
- Charles Wadams response to Tom Baskinphone call 10202026

Comments received since September 28, 2026, generally address the following topics:

- Height
    - Massing
    - Privacy
    - Shadowing
- Transition to existing neighborhoods
- Density
- Desire for single family detached
- Traffic Impact Study
- Emergency Access and bicycle connections to Waterfront District Subdivision
- Compliance with Code and Comprehensive Plan
- Boise River Greenbelt and river corridor protection/ enhancement
- Conflict of Interest
- Procedural Errors
- Material Interfere definition conflicts with State Statute
- Incorrect record information regarding Adams Street capacity
- Deletion of required findings

OTHER COMMENTS

A review of the proposed ordinance was received by Council Member Carver-Herbert.

- Wendy Carver Herbert Review 10192026 (hyperlinked)
- Wendy Carver Herbert Review 10192026 2 (hyperlinked)

Recommended changes to the summary were provided by the City Attorney Charles Wadams.

- City Attorney Summaries for Publication 10212026(hyperlinked)

DISCUSSION

Procedural Errors

Comments assert procedural errors based on allegations that the application was not provided to the Fire Department and that two neighborhood meetings were required. While the Fire Department did not respond to the agency comment request, the application was provided to the Fire Department through the agency notice process. Garden City Code § 8-6B-6 (**SPECIFIC AREA PLAN**) requires only one neighborhood meeting.

Conflict of Interest

On October 19, 2026, a public comment alleged that the Development Services Director's consultation with stakeholders during ordinance development, including consultation with her spouse regarding the usability of proposed ordinance language, constituted a conflict of interest.

Under Idaho law, a conflict of interest generally involves an official action that would result in a private pecuniary (financial) benefit to the public official, a member of the official's household, or a business with which the official or household member is associated.

The proposed ordinance is a legislative action establishing development standards applicable within the Heron Commons SAP area. The Development Services Director's spouse is not employed by a firm performing work within the SAP area and is not anticipated to participate in any project subject to the proposed ordinance. Director Thornborrow nor her household have any private pecuniary interest that would result from adoption of the proposed ordinance.

Staff outreach and stakeholder engagement activities related to ordinance development are documented in the Staff Outreach and Stakeholder Engagement section of the September 28, 2026, Staff Report (page 6).

Materially Interfere Definition

Legal review indicates that the proposed definition of Materially Interfere may be narrower than Idaho nuisance-law standards if interpreted as a nuisance definition. To avoid ambiguity, revisions have been suggested that would expressly preserve nuisance rights under Idaho law while clarifying the ordinance's approval criteria.

Adams Capacity

Subsequent correspondence with ACHD clarified via correspondence provided via public comment that during the September 28, 2026, hearing it appears that staff had misunderstood previous correspondence regarding Adams Street capacity. The correspondence provided by Mr. Fransen indicates that 425 vehicle trips per hour represents the total number of peak-hour trips Adams Street can accommodate while maintaining adopted levels of service, not the number of remaining trips available. Based on ACHD's analysis, approximately 67 peak-hour trips remain available before the roadway reaches the 425-trip threshold.

DRAFT DECISION REVISIONS

SAPFY2026-0001 City Council DRAFT Decision 10262026 (hyperlinked)

The draft decision included in the packet is based on the Planning and Zoning Commission's recommendation and has been updated to reflect changes to the record and proposed ordinance language since the September 28, 2026, hearing. Revisions are highlighted unless stricken. Key changes include:

- Removal of references to subdistricts.
- Updates to the record documents and proceedings from the September 28, 2026, public hearing.
- Removal of discussion regarding the Administrative with Notice process and clarification that a public hearing is required.
- Clarification that some comments requested augmentation of both the Boise River and the Boise River Greenbelt.

- Addition of a condition of approval requiring incorporation of the City Attorney's revisions to the summaries of Ordinance Nos. 1071-26 and 1072-26.

ATTACHMENTS

- Draft Decision Document
- Ordinance 1071-26 Draft 7 as revised
- Ordinance 1071-26 Recommended Summary
- Ordinance 1072-26
- Ordinance 1072-26 Recommended Summary