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City Council
City of Garden City
6015 N. Glenwood
Garden City, Idaho 83714

Dear Mr. Mayor and members of of the City Council;

I have reviewed Draft 7 of SAPFY2026-0001. I would like to address several points in addition to those discussed in my letter of September 25.

First, I am told by Colin Schmidt, of Garden City Public Works, that the greenbelt fronting the Waterfront District (WFD) is scheduled for replacement in the near future. In the event that the City has designs on replacing the section of greenbelt between the WFD and Heron Park as well, I suggest that it might be prudent to defer that part of the work for the time being. Section 8-8B-5(I)6(F), at P. 61, makes it clear that the greenbelt may be subject to relocation/realignment as part of the development of the ACHD property. It would be wasteful to replace this section of the greenbelt now, only to have it torn up in 5-6 years as part of an approved RMP for the ACHD property.

Second, in 1997 ACHD granted a permanent easement to Garden City for the greenbelt. The current greenbelt is located within this easement. Whoever purchases the ACHD property may argue that the grant of this easement by the purchaser's predecessor in title should be counted towards the satisfaction of the new owner's obligation to provide "open space" equal to 25% of the total acreage as part of any development. I do not believe this should be endorsed. The greenbelt easement has been in public ownership since 1997. The buyer cannot satisfy its obligation to provide open space by tendering the easement, since the easement is already in the public realm. The public would be getting something it already owns. The burden of the easement on the servient estate is a factor which will affect the price a buyer is willing to pay for the property; a buyer of the ACHD property will not be getting the "whole bundle of sticks". Why should that buyer then be allowed to rely on the thing it did not purchase, i.e. the easement previously given to the public, to satisfy its open space obligations? As was done for the primary pedestrian spine, I believe that the greenbelt easement should be treated as non-qualifying open

space. I suggest amending 8-8B-5(I)7(A), at p. 61, to include the greenbelt as one of the specific things that constitute "non-qualifying" open space.

Third, the treatment given to the greenbelt in the greenbelt adjacency guidelines is at odds with the intent language of the ordinance as well as the Garden City comp plan. Section 8-8B-3, at p. 13, makes it clear that the greenbelt standards are intended to "… protect, enhance and insure the long term public benefit from the Boise river and the Boise river greenbelt as a premier community amenity." To this end, "open space shall be planned and maintained in a manner…that strengthens the Boise river greenbelt as a linear park system…." The Garden City Comprehensive plan specifies that the greenbelt should be protected from private development and supports minimum setbacks for new development.

The Applicant's distaste for "privatization" of the landward side of greenbelt edge is plain. See 8-8B-5(F)2(f) at p.63, and 8-8B-5(F)4(g)2 at p. 65. The assertion is that proximity to the greenbelt, and the viewshed of the greenbelt and River, are public assets which should not be squandered by a private homeowner. I don't think this is an unreasonable point of view. However, the ordinance's implementation of this idea merely shifts the squandering of public assets from private homeowners to private business owners who will use these assets to cater to their patrons. In no wise does this construct preserve the greenbelt for use and enjoyment by members of the public. Preserving access to a subset of the public, i.e. business invitees of a greenbelt fronting bar or restaurant, is not the same as preserving public access. The proposed ordinance conflates these notions.

Section 8-8B-6(A)1(b), at p.65, specifies that within 25 feet of the landward greenbelt edge, at least 60% of the property shall publicly accessible. So, 40% of the property within 25 feet of the greenbelt may be devoted to uses from which the public can be barred. This does no honor to the notion that the ordinance is supposed to strengthen the greenbelt as a linear park. But what about the other 60%? What does "publicly accessible" mean? It sounds good, but it seems to really mean spaces accessible by business invitees at the invitation of the owner of the property, i.e. an outdoor patio serving a bar or restaurant. See 8-8b-6(A)1(B)1(b) at p. 65. Obviously, this does not give the public at large access to 60% of the property within 25 feet of the greenbelt edge, at least not without the purchase of a drink or a meal. At the end of the day, access to a sizable part of the land within 25 feet of the landward edge of the greenbelt, certainly more than 40%, is denied to the public at large.

Other provisions, too, suggest that what is anticipated is something other than "public" space within 25 feet of the landward greenbelt edge. Section 8-8B-5(G), at p. 57, only requires a 2 foot buffer on either side of the greenbelt. Within this buffer, no structures may be constructed. However at distances greater than 2 feet from the greenbelt pathway, fences, walls and other structures may be constructed, so long as they are no taller than 3.5 feet. Such fencing is allowed in order to enclose outdoor seating ares and patios. See 8-8B-5(F), at p. 55.

If you want to understand what this looks like, go to the Boardwalk. There, a rationality of concrete abuts private patios and "beaches" which are intended to serve only tenants and business invitees. There is not a blade of grass or a tree to be seen on the landward side of the greenbelt edge.

The area impacted by the greenbelt adjacency rules on the land within 25 feet of the landward greenbelt edge is only a small fraction of the acreage subject to the SAP, and development of some part of this space will probably be prevented by other code provisions treating the area within 70 feet of the 6500 CFS line. Nevertheless, the provisions of the proposed ordinance discussed above admit too many opportunities to privatize the land within 25 feet of the landward greenbelt edge, when it should be preserved as a "park-like" public space, in keeping with the stated intent of the ordinance. I urge you to redact the aforementioned allowances for privatization within 25 feet of the landward edge of the greenbelt. Keep it like it should be.

Thank you for taking the time to review these thoughts.

Best regards,

Tom Baskin