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 December 14, 2026, City Council Meeting

NOTE TO READER: This memorandum will be updated. It is a working draft and will be revised prior to formal publication for the December 14, 2026, public hearing. Additional materials, including public comments, agency comments, and other record documents received before publication, will be incorporated.

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 October 26, 2026, public hearing.

BACKGROUND

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

This memorandum supplements the hyperlinked staff report provided for the September 28, 2026, public hearing, and the hyperlinked staff memorandum provided for the October 26, 2026, hearing.

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DRAFT 8 OF ORDINANCE 1071-26 CODE REVISIONS SINCE OCTOBER 26, 2026, PUBLIC HEARING

- Page 20: Redundant language deleted.
- Page 38: Adjacent Residential Property Line Setback deleted, and Height provisions deleted and replaced with a place holder. See Discussion.

DISCUSSION

Draft 8 of the Heron Commons (SAP) District zoning ordinance has been published with redlines for public and City Council review ahead of the December 14, 2026, public hearing. Please note that the Legal Department is completing a final review and may propose non-material wording refinements. These additional edits will be incorporated into the final packet presented to the City Council.

Draft 8 of the Heron Commons (SAP) District zoning ordinance includes a placeholder for height standards. This memorandum outlines four alternative approaches for regulating height adjacent to existing residential properties and is intended to assist the City Council in selecting a preferred approach to fill the placeholder. Each option provides a different method for transitioning development adjacent to residential properties.

<u>Option A: Building Placement Approach</u>

This approach regulates height transitions through building placement. Development may utilize the district's maximum height allowances, provided that a structure not exceeding forty-five feet (45') in height is located adjacent to the Adjacent Residential Property Line and taller structures are located behind that structure.

During the October 26, 2026 hearing, testimony was received expressing support for this approach.

Staff has suggested revisions to the version previously presented to the City Council. The revisions require an entire structure of a residential-edge transition structure, rather than a portion of the structure, be limited to forty-five feet (45’) in height. The revisions also establish minimum height and depth requirements for the residential-edge structure.

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Option B Setbacks and Stepbacks Approach

During the City Council hearing on October 26, 2026, the Council discussed three potential approaches for addressing building height transitions adjacent to existing residential properties.

- Suggestion 1**:** Require a forty-five-foot height limit for the first row of development adjacent to residential properties. The setbacks may be varied, dependent upon the current adjacent structures. There should be a fifty-foot setback when adjacent to existing single-family homes that are two-story or less in height and a twenty-five-foot setback when adjacent to existing development that is three-stories or greater in height.
- Suggestion 2: Require a twenty-five-foot setback and a forty-five-foot height limit for the first row of development, with additional height achieved through upper-story stepbacks to reduce the massing impacts on adjacent properties.
- Suggestion 3: Require a standalone building not exceeding forty-five feet in height along the residential edge, creating a physical transition between neighborhoods and taller development. Buildings exceeding forty-five feet would be located behind a structure rather than being achieved through stepbacks on the same structure.

Option B combines these suggestions. For properties adjacent to existing residential development that is two stories or less, the entire structure nearest the Adjacent Residential Property Line is limited to forty-five feet in height. A setback placeholder has been retained because discussion referenced both twenty-five-foot and fifty-foot setback alternatives.

For properties adjacent to existing residential structures that are three stories or taller, buildings may exceed forty-five feet in height; however, each story above forty-five feet must be stepped back a minimum of fifteen feet from the story immediately below on the residential-facing side of the building.

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Because larger setbacks may limit redevelopment opportunities on smaller lots within the district, the draft includes an exemption for properties less than seventy-five feet in width. This exemption was included to address smaller redevelopment sites, such as the properties located along the southwest edge of the proposed Heron Commons (SAP) District that are approximately fifty-feet wide.

The draft also includes an exception to address conflicts with state law. The identified conflict is with the requirements of Senate Bill 1352. Beginning February 1, 2027, Idaho Code § 67-6542 will require municipalities with populations greater than 10,000 to permit qualifying residential developments on parcels exceeding four acres with front and rear setbacks not exceeding fifteen feet and side setbacks not exceeding five feet, unless a greater setback is required by the adjacent zoning district.

Under Option B, setbacks are measured from the property line. Existing development adjacent to the district contains a wide range of setbacks, ranging from approximately fifteen feet to more than one hundred twenty feet. As a result, the separation distance between new development and existing homes may vary depending on the location of the adjacent dwelling. By comparison, Option C measures separation distance between structures rather than property lines, resulting in a more consistent building-to-building relationship between new development and existing residences.

Option C 1:1 Separation Distance-to-Height Ratio Approach

Option C relies on separation distance between new development and existing residences. While not specifically discussed during the October 26, 2026 hearing, this approach was developed in response to public comments regarding shadowing and access to visible sky by employing a 1:1 height-to-setback ratio.

This approach provides flexibility in site design by allowing lower-scale development to be located closer to adjacent residences while requiring taller buildings to be located farther away. Under this approach, a building would be required to maintain a separation from an existing principal dwelling outside the district equal to or greater than the height

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of the building. For example, a seventy-two-foot building, or portion thereof, would be required to maintain a minimum seventy-two-foot separation from the adjacent dwelling. Lots less than seventy-five feet in width would be exempt from the separation distance-to-height requirement because the standard could significantly limit redevelopment opportunities on smaller properties. The draft also includes an exception where application of the separation distance-to-height requirement would conflict with Idaho Code § 67-6542, as amended by Senate Bill 1352.

Unlike Option B, which measures setbacks from property lines, this option measures the separation between structures. This approach was drafted to illustrate a method that more uniformly regulates the relationship between new development and existing residences regardless of variations in lot configuration or existing setbacks.

Option D Match Adjacent Zoning Approach

The final approach, which also was not discussed during the October 26, 2026 hearing, relies on the standards established in adjacent zoning districts rather than creating unique transition standards for the Heron Commons (SAP) District. With this approach the development within the Heron Commons (SAP) District that is adjacent to property located outside the district would be required to comply with the setback and height standards that are applicable to the adjacent zoning district.

While this approach does not create district-specific standards to address public concerns related to height, setbacks, and massing, it provides the most direct approach to zoning compatibility by creating a transition to adjacent neighborhoods consistent with the height and setback zoning standards that govern those neighborhoods.

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DRAFTS OF HEIGHT OPTIONS

Option A: Building Placement

A. Maximum Building Height

1. The maximum base building height within the district shall be seventy-two feet (72'), not to exceed six (6) stories, measured from grade, except as otherwise provided in this section.
2. Only stories located entirely above grade shall count toward the maximum number of stories. Roof access enclosures, mechanical equipment, and similar rooftop elements may extend above the maximum height as otherwise permitted by this code.

B. Adjacent Residential Property Line ~~Adjacency to Residential Properties~~ Note: suggested update for consistent terminology.

1. Applicability. The residential adjacency height standards shall apply where a development property shares a common Adjacent Residential Property Line, as herein defined ~~property line with a property designated as Adjacent Residential~~.
2. Height Limitation. The structure or portion of a structure nearest to and facing a shared Adjacent Residential P~~p~~roperty L~~l~~ine shall not exceed forty-five feet (45') in height, regardless of its distance from the shared property line.
3. Taller Structures. Any structure exceeding forty-five feet (45') in height on a lot with an Adjacent Residential Property Line shall be located so that a structure not exceeding forty-five (45') feet in height is situated between the taller structure and the Adjacent Residential Property Line.

   ~~Structures or portions of structures exceeding forty-five feet (45') in height may be permitted farther into the development, provided they are located behind an intervening structure or portion of a structure not exceeding forty-five feet (45') in height. This requirement shall apply along the shared Adjacent Residential property line and to developments containing one or more structures.~~ Note: suggested update to preclude a stepped back structure to be adjacent to the Adjacent Residential Property Line.

   The structure located between the taller structure and the Adjacent Residential Property Line shall have a minimum height of fifteen feet (15') and a minimum

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depth of twenty feet (20') measured perpendicular to the shared Adjacent Residential Property Line. Note: suggested update to require a structure to have a minimal height and depth to address adjacent massing. For perspective, the proposed height would be akin to the peak of a single-story house, where a depth of twenty feet is a midrange width for a townhome.

4. The forty-five-foot (45') height limitation established in this Subsection shall not be increased through the additional height allowances or height-transfer provisions of this section.

C. Boise River Greenbelt Adjacency Area

1. ~~Structures within the Boise River Greenbelt Adjacency Area shall comply with the applicable height limitations and development standards established for that area.~~ Structures adjacent to the Boise River Greenbelt shall adhere to 8-8B-5. F.4.C. Height Limitation standards.
2. Where the Boise River Greenbelt Adjacency Area overlaps with an Adjacent Residential property, the more restrictive applicable height limitation shall govern.

D. Additional Height Allowances

1. Nonresidential Ground Floor

   Buildings containing a nonresidential ground floor may exceed the otherwise permitted maximum height by up to eight feet (8') to accommodate ground-floor commercial floor-to-ceiling heights, building systems, and architectural features associated with non-residential occupancy. This allowance shall not increase the maximum number of permitted stories and shall not apply to structures or portions of structures subject to the forty-five-foot (45') residential adjacency height limitation established in Subsection B.

2. Height Transfer

   Building height may be increased by up to two (2) additional stories, not to exceed twenty-four feet (24') beyond the otherwise permitted base height, subject to approval of a Regulatory Master Plan. This increase is allowed only if the structure receiving the additional height is not located adjacent to the district boundaries.

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To qualify for additional height, an equivalent offset in building height shall be provided through a reduction in the height of another structure adjacent to the Boise River Greenbelt or an adjacent residential neighborhood. The height transfer shall be designed to reduce impacts and help protect the Boise River Greenbelt, adjacent residences, or the public realm.

No height transfer shall permit a structure or portion of a structure subject to the forty-five-foot (45') residential adjacency height limitation in Subsection B to exceed that limitation.

E. Adverse Height Impacts

~~Notwithstanding the maximum height otherwise permitted, no building shall exceed a height that results in significant adverse impacts on adjacent properties that are directly attributable to the building's height and cannot be adequately mitigated. Such impacts include, but are not limited to, a significant loss of privacy, excessive shadowing of living spaces, or other measurable impacts.~~

~~The applicant shall demonstrate that such impacts have been mitigated through setbacks, stepbacks, landscaping, or other effective mitigation measures. If significant adverse impacts cannot be adequately mitigated, the permitted building height shall be reduced to the extent necessary to achieve compliance with this standard.~~

Notwithstanding the maximum height otherwise permitted by this section, proposed buildings shall be designed to minimize adverse impacts associated with building height on adjacent properties.

1. The applicant shall demonstrate that building massing, height, setbacks, stepbacks, orientation, landscaping, or similar design measures have been incorporated to reduce impacts on adjacent properties.
2. The review authority may require additional mitigation measures, including but not limited to a reduction in height beyond that otherwise permitted by this section, upon finding that substantial evidence demonstrates that the proposed structure would severely compromise, as herein defined, an adjacent property. Note: This suggested amendment aligns with the language within the other options and uses the term *severely compromised* to align with the removal of the previously defined

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term *adverse impact*. The change is intended to avoid potential conflicts with applicable Idaho statutory requirements.

Drafting notes: This proposal would maintain 8-8B-5. A.3.A Adjacent Residential Property Line Setback 15' as drafted rather than striking it as shown in Draft 8. Staff would suggest adding language to 8-8B-5. A.3.A Adjacent Residential Property Line Setback regarding compliance with Senate Bill 1352.

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Option B: Setbacks and Stepbacks Approach

A. Maximum Building Height

1. The maximum building height within the district shall be seventy-two feet (72'), not to exceed six (6) stories, measured from grade, except:
    a. Only stories located entirely above grade shall count toward the maximum number of stories.
    b. Buildings containing a nonresidential ground floor may exceed the otherwise permitted maximum height by up to eight feet (8') to accommodate ground-floor commercial floor-to-ceiling heights, cover roof top mechanical systems, and provide architectural features associated with nonresidential occupancy.
        i. This allowance shall not increase the maximum number of permitted stories and shall not apply to structures or portions of structures subject to Subsection B.
    c. As allowed by Subsection D Height Transfer.

B. Adjacency to Residential Properties

1. Applicability. The residential adjacency standards shall apply where a development property shares an Adjacent Residential Property Line, as defined herein.
2. One and Two-Story Residential Adjacency.
    a. The provisions of this Subsection shall apply:
        i. Where an adjacent property contains a lawful principal dwelling, and that dwelling does not exceed two stories, or
        ii. Where a common lot owned by the Waterfront District Subdivision Homeowners Association, that does not contain an intervening structure, is located between the Adjacent Residential Property Line and a lawful principal dwelling that does not exceed two stories.
        iii. For purposes of this section, the height of the existing dwelling shall be the height of the dwelling as it existed on [insert date of adoption]. If, after this date, the dwelling is altered, enlarged,

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reconstructed, or replaced such that any structure or portion of a structure on the lot exceeds two stories, or if the dwelling is removed or demolished, the requirements of this Subsection shall no longer apply.

b. The structure adjacent to the Adjacent Residential Property Line shall:

i. Be set back X' feet from the property line. Note there were conflicting suggestions of fifty feet or twenty-five feet therefore staff has left this blank.

ii. Have a minimum depth of twenty feet (20') measured perpendicular to the Adjacent Residential Property Line; and

iii. Have a minimum height of fifteen feet (15') in height.

iv. May not exceed forty-five feet (45') in height.

3. Three Story or Taller Residential Adjacency

a. The provisions of this Subsection shall apply:

a) Where an Adjacent Residential Property contains a lawful principal dwelling, and that dwelling contains three stories or more, or

b) Where a common lot owned by the Waterfront District Subdivision Homeowners Association, that does not contain an intervening structure, is located between the Adjacent Residential Property Line and a lawful principal dwelling that is or exceeds three stories.

c) For purposes of this section, the height of the existing dwelling shall be the height of the dwelling as it existed on [insert date of adoption]. If, after this date, the dwelling is removed or demolished, the requirements of this Subsection shall no longer apply.

b. The structure or portion of the structure adjacent to the Adjacent Residential Property Line shall:

i. Not exceed forty-five feet (45') in height.

a) Additional stories may be permitted above forty-five feet (45'), provided each story above forty-five feet (45') is stepped back a minimum of fifteen feet (15') from the story immediately below,

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measured from the building face oriented toward the Adjacent Residential Property Line.

b) Structures complying with this Subsection may achieve the maximum height otherwise permitted within the district.

ii. Be set back twenty-five feet (25’) from the property line.

4. Exceptions

a. Lots that are less than seventy-five feet (75') in width shall be exempt from Subsection B Adjacency to Residential Properties requirements. Setbacks for such lots shall comply with Section 8-8B-5. A.3 of this code.

b. Where application of the minimum setback requirement would conflict with Idaho Code § 67-6542, the setback requirements of Idaho Code § 67-6542 shall govern.

C. Boise River Greenbelt Adjacency Area

1. Structures adjacent to the Boise River Greenbelt shall comply with Section 8-8B-5. F.4.C, Height Limitation.

a. Where the Boise River Greenbelt Adjacency Area overlaps with an Adjacent Residential Property Line, the more restrictive applicable height limitation shall govern.

D. Height Transfer

1. Building height may be increased by up to two (2) additional stories, not to exceed twenty-four feet (24') beyond the otherwise permitted base height, subject to approval of a Regulatory Master Plan.

a. To qualify for additional height, each additional foot of height approved for one structure shall be offset by an equivalent reduction in permitted height on another structure. The height transfer shall be designed to reduce impacts and help protect the Boise River Greenbelt, adjacent residences, or the public realm.

b. This increase is allowed only if the structure receiving the additional height is not located within sixty feet (60’) of either an Adjacent Residential Property line or the Boise River Greenbelt.

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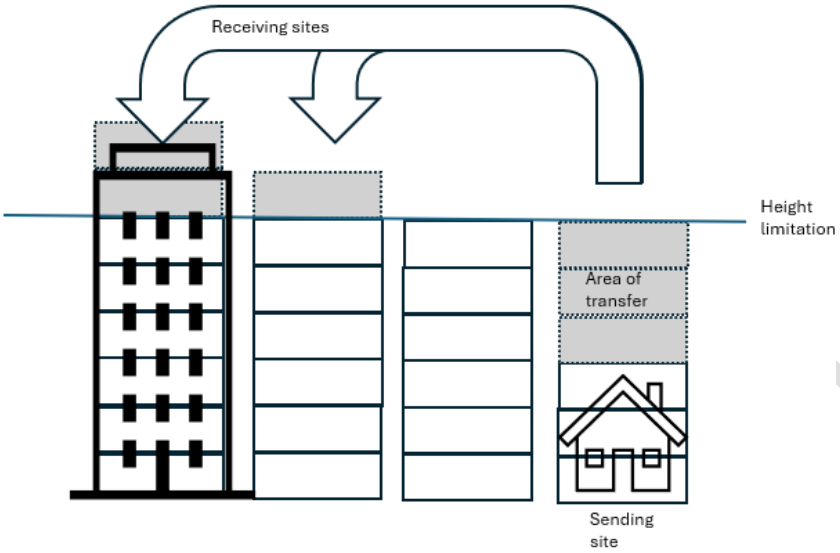


Figure 8-8B-5.1 Height Transfer

E. Adverse Height Impacts

1. Notwithstanding the maximum height otherwise permitted by this section, proposed buildings shall be designed to minimize adverse impacts associated with building height on adjacent properties.
    a. The applicant shall demonstrate that building massing, height, setbacks, stepbacks, orientation, landscaping, or similar design measures have been incorporated to reduce impacts on adjacent properties.
    b. The review authority may require additional mitigation measures, including but not limited to a reduction in height beyond that otherwise permitted by this section, upon finding that substantial evidence demonstrates that the proposed structure would severely compromise, as herein defined, an adjacent property.

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Option C Separation Distance-to-Height Ratio Approach

A. Maximum Building Height:
   1. The maximum building height within the district shall be seventy-two feet (72'), not to exceed six (6) stories, measured from grade, except as otherwise provided in this section, except:
      a. Only stories located entirely above grade shall count toward the maximum number of stories.
      b. Buildings containing a nonresidential ground floor may exceed the otherwise permitted maximum height by up to eight feet (8') to accommodate ground-floor commercial floor-to-ceiling heights, cover roof top mechanical systems, and provide architectural features associated with nonresidential occupancy.
      c. As allowed by Subsection D Height Transfer.

B. Separation Distance to Height Ratio
   1. Any structure or portion thereof built within the Heron Commons (SAP) District that shares an Adjacent Residential Property Line, as herein defined, shall maintain a minimum separation distance ratio of one foot (1') to one foot (1') of structural height from any lawful principal dwelling located outside the district and legally established prior to [adoption date].
      a. The separation distance shall be measured from the closest exterior wall of the proposed structure to the closest exterior wall of the existing dwelling.
      b. Where a structure contains multiple building heights, the separation distance to height requirement shall be applied independently to each portion of the structure based on its respective height.
      c. The exceptions to this requirement include:
         i. Lots having a width of less than seventy-five feet (75') shall be exempt from the separation district requirement of this Subsection. Setbacks for such lots shall comply with Section 8-8B-5. A.3 of this code.

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ii. Where application of the separation distance requirement would conflict with Idaho Code § 67-6542, the setback requirements of Idaho Code § 67-6542 shall govern.

C. Boise River Greenbelt Adjacency Area

1. Structures adjacent to the Boise River Greenbelt shall comply with Section 8-8B-5. F.4.C, Height Limitation.
    a. Where the Boise River Greenbelt Adjacency Area overlaps with an Adjacent Residential Property Line, the more restrictive applicable height limitation shall govern.

D. Height Transfer

1. Building height may be increased by up to two (2) additional stories, not to exceed twenty-four feet (24') beyond the otherwise permitted base height, subject to approval of a Regulatory Master Plan.
    a. To qualify for additional height, each additional foot of height approved for one structure shall be offset by an equivalent reduction in permitted height on another structure. The height transfer shall be designed to reduce impacts and help protect the Boise River Greenbelt, adjacent residences, or the public realm.
    b. This increase is allowed only if the structure receiving the additional height is not located within sixty feet (60’) of either an Adjacent Residential Property Line or the Boise River Greenbelt.

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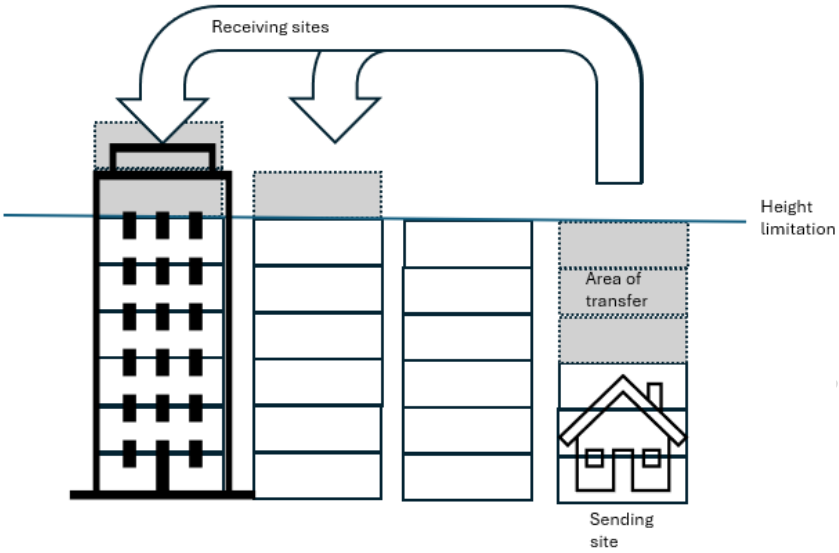


Figure 8-8B-5.1 Height Transfer

E. Adverse Height Impacts

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    a. The applicant shall demonstrate that building massing, height, setbacks, stepbacks, orientation, landscaping, or similar design measures have been incorporated to reduce impacts on adjacent properties.
    b. The review authority may require additional mitigation measures, including but not limited to a reduction in height beyond that otherwise permitted by this section, upon finding that substantial evidence demonstrates that the proposed structure would severely compromise, as herein defined, an adjacent property.

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Option D Match Adjacent Zoning Approach

A. Maximum Building Height
   1. The maximum building height within the district shall be seventy-two feet (72'), not to exceed six (6) stories, measured from grade, except as otherwise provided in this section.
   2. Only stories located entirely above grade shall count toward the maximum number of stories. Roof access enclosures, mechanical equipment, and similar rooftop elements may extend above the maximum height as otherwise permitted by this code.
   3. As allowed by Subsection D Height Transfer.

B. District Boundary Transition
   1. Within fifty feet (50') or less from the Heron Commons (SAP) District boundary, as measured perpendicular to the shared property line, the height and setback standards shall be the same as the adjacent zoning district height and setback standard as they existed on [date of adoption]. Within such area, the standards of this Subsection shall supersede any otherwise applicable height or setback standards.
   2. Where a property is adjacent to more than one zoning district, the more restrictive applicable height or setback standard shall govern for that area.

C. Boise River Greenbelt Adjacency Area
   1. Structures adjacent to the Boise River Greenbelt shall comply with Section 8-8B-5. F.4.C, Height Limitation.
      a. Where the Boise River Greenbelt Adjacency Area overlaps with an Adjacent Residential Property Line, as herein defined, the more restrictive applicable height limitation shall govern.

D. Additional Height Allowances
   1. Building height may be increased by up to two (2) additional stories, not to exceed twenty-four feet (24') beyond the otherwise permitted base height, subject to approval of a Regulatory Master Plan.
      a. To qualify for additional height, each additional foot of height approved for one structure shall be offset by an equivalent reduction in permitted height

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on another structure. The height transfer shall be designed to reduce impacts and help protect the Boise River Greenbelt, adjacent residences, or the public realm.

b. This increase is allowed only if the structure receiving the additional height is not located within sixty feet (60') of either an Adjacent Residential Property Line or the Boise River Greenbelt.

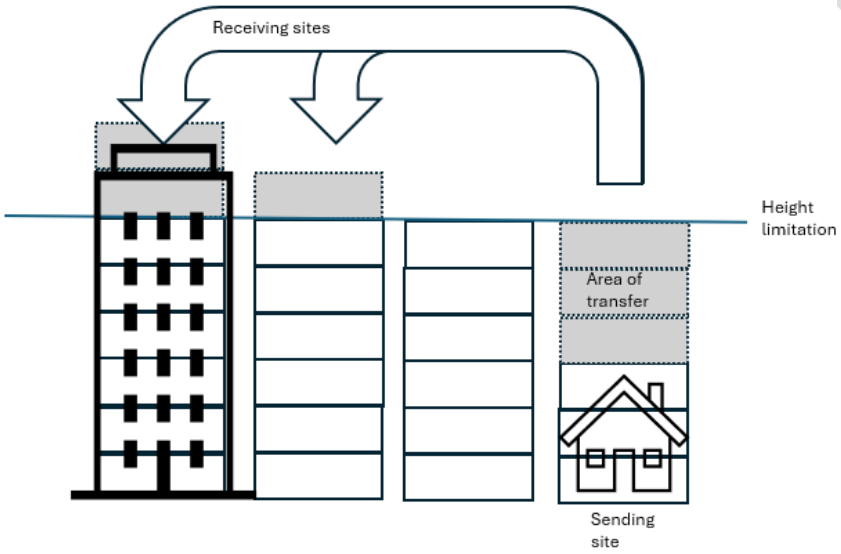


Figure 8-8B-5.1 Height Transfer

E. Adverse Height Impacts

1. Notwithstanding the maximum height otherwise permitted by this section, proposed buildings shall be designed to minimize adverse impacts associated with building height on adjacent properties.

   a. The applicant shall demonstrate that building massing, height, setbacks, stepbacks, orientation, landscaping, or similar design measures have been incorporated to reduce impacts on adjacent properties.

   b. The review authority may require additional mitigation measures, including but not limited to a reduction in height beyond that otherwise permitted by this section, upon finding that substantial evidence demonstrates that the

proposed structure would severely compromise, as herein defined, an adjacent property.

Drafting Note: This option would also result in the deletion of the 8-8B-5. A.3 Setbacks.

PUBLIC COMMENTS

This section will be updated prior to the formal publication for the December 14, 2026, hearing.

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