







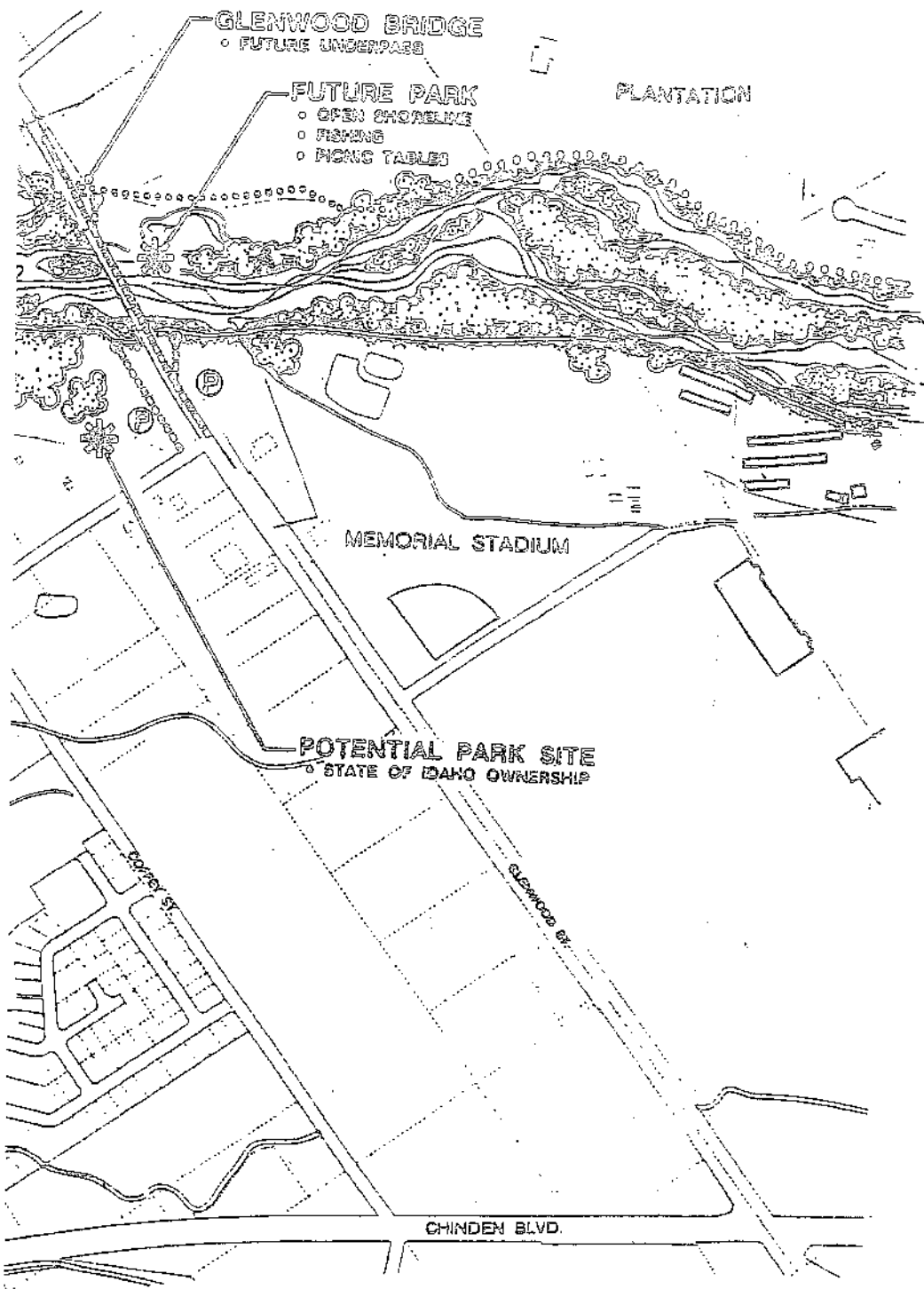
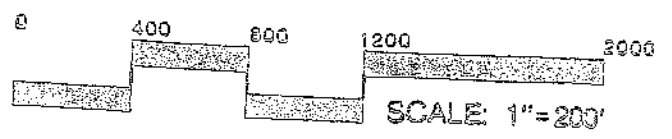


LEGEND

-  ACTIVITY AREA
-  GREENBELT ACCESS
-  VEHICULAR PARKING (EXISTING OR POTENTIAL)
-  PRIMARY PATH
• 10' PAVED PATH FOR BICYCLE AND PEDESTRIANS
-  WALKING PATH
• WIDTH VARIES
• SURFACE VARIES
-  BRIDGE STRUCTURES
-  SPORTSMANS ACCESS
-  RIPARIAN WOODLAND
• WETLANDS



0-47



GOLF COURSE

BOISE CITY GREENBELT
ACCESS POINT

SCENIC VIEWS
TO BOISE FRONT

NATURE PARK
• INTERPRETIVE
• WILDLIFE OBSERVATION
• WALKING PATHS

REST AREA
• BENCHES

WESTERN IDAHO
FAIRGROUNDS

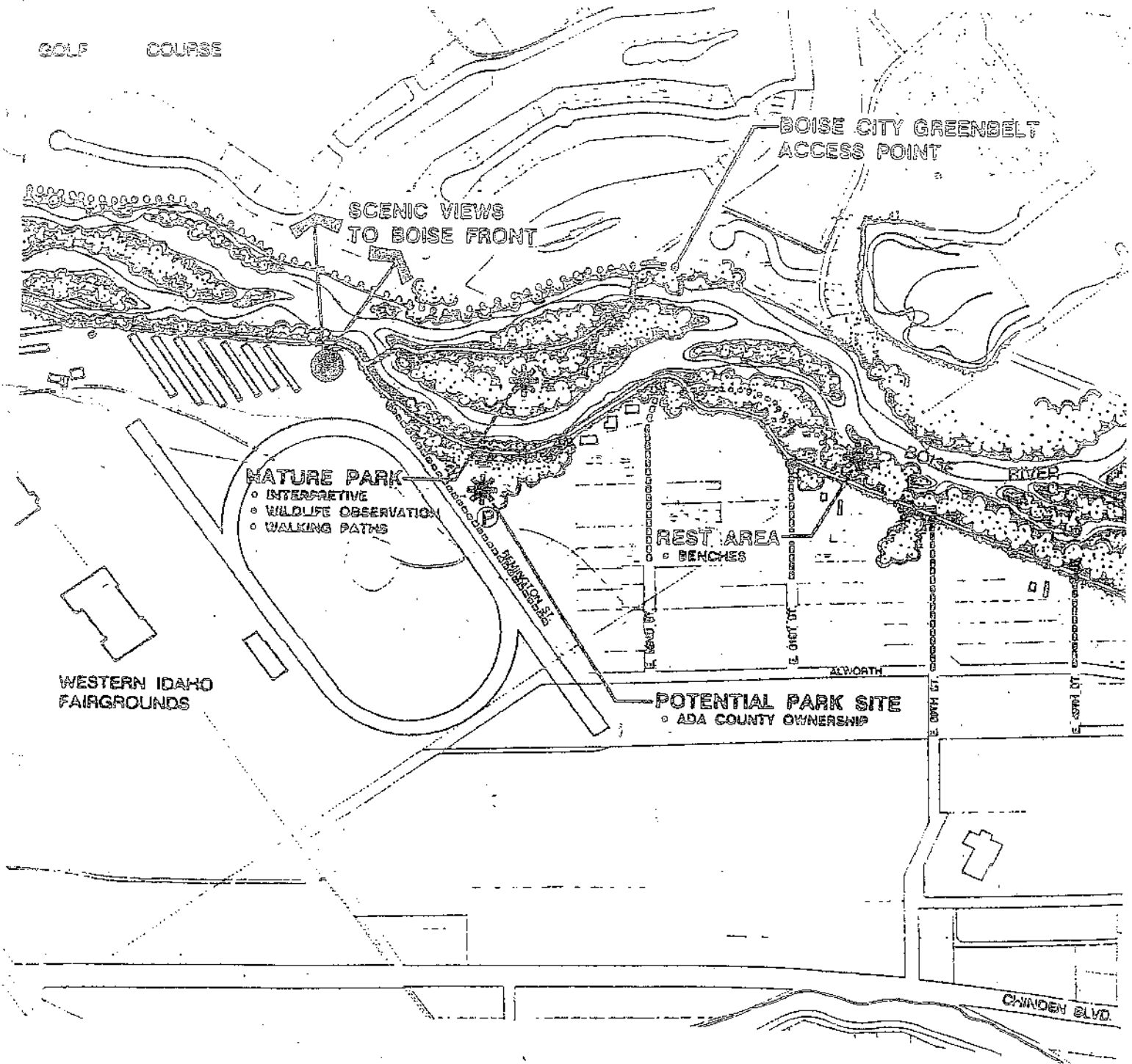
POTENTIAL PARK SITE
• ADA COUNTY OWNERSHIP

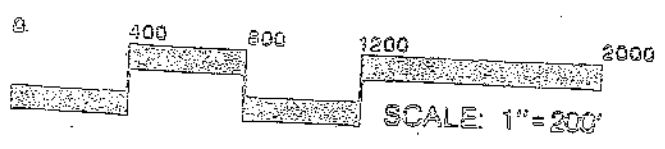
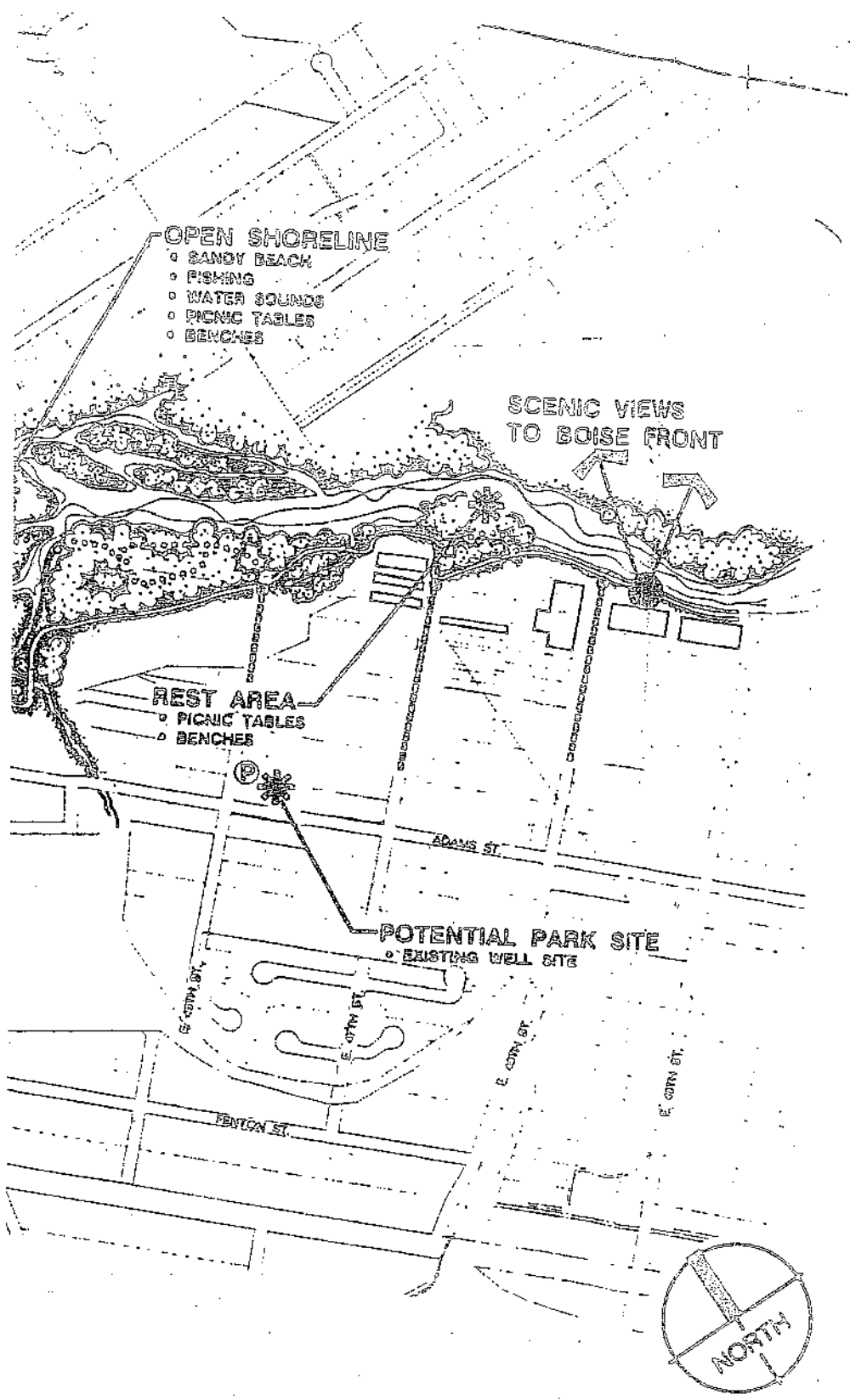
CHINDEN BLVD.

LEGEND

- * ACTIVITY AREA
- GREENBELT ACCESS
- (P) VEHICULAR PARKING
(EXISTING OR POTENTIAL)
- ===== PRIMARY PATH
• 10' PAVED PATH FOR
BICYCLE AND PEDESTRIANS

- WALKING PATH
• WIDTH VARIES
• SURFACE VARIED
- BRIDGE STRUCTURES
- SPORTSMANS ACCESS
- ◊ RIPARIAN WOODLAND
• WETLANDS





BY THE COUNCIL: EVANS, PEREZ, PIGG AND WEAVER

AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION, ADDING CHAPTER 5C OF TITLE 8 ALL OF THE GARDEN CITY CODE RELATING TO THE RIVER PLAN FOR FLOOD PROTECTION, FISH AND WILDLIFE PROTECTION, GREENBELT RECREATION AND PROTECTION, AND DEVELOPMENT ALONG THE BOISE RIVER WITHIN THE BOUNDARIES OF GARDEN CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY:

SECTION 1: THAT CHAPTER 5C BE ADDED TO TITLE 8, GARDEN CITY CODE, TO READ AS FOLLOWS:

CHAPTER 5

RIVER - FISH - WILDLIFE - FLOOD - PROTECTION PLAN

- 8-5C-1: Purpose
- 8-5C-2: Flood Protection
- 8-5C-3: Fish and Wildlife Protection
- 8-5C-4: Greenbelt Recreation and Protection
- 8-5C-5: Prohibited Uses
- 8-5C-6: Penalty

8-5C-1: **PURPOSE:** The purpose of this chapter and its subsections is to provide standards for development and recreation along the Boise River, throughout Garden City, without creating circumstances causing the loss of life and property damage.

8-5C-2: **FLOOD PROTECTION:** As a participant in the National Flood Insurance Program, Garden City intends to achieve and retain "Regular Program Status" in order to provide low cost flood insurance to property owners and tenants.

A. The Boise River floodway shall be reserved to discharge floodwaters downstream without increasing water surface elevations more than one foot.

1. The floodway is designated as that described by the U.S. Army Corps of Engineers and shown on the most current Flood Insurance Rate Maps produced by FEMA.

2. Relocation of the floodway boundary shall be subject to approval of applicable jurisdictions and Garden City Council.

3. Uses within the floodway shall be restricted to those which are determined by Garden City to be a benefit for the general public, (including but not limited to, flood control, bank stabilization, bridges, water pumps & inlets, dams, weirs, public utility conduits; and wildlife habitat improvements, including but not limited to, vegetation, nesting structures, pool/riffle improvements).

4. The removal of vegetation (living or dead) from within the floodway shall not be permitted except when it is a threat to persons or property or contributes to the dangerous restriction of the flow of floodwater, as determined by Garden City Public Works Director and applicable jurisdictions.

5. Existing dwellings and other nonconforming structures within the floodway shall not be permitted to relocate in the floodway should they be displaced or require a substantial improvement, as defined per Garden City Code 7-3-3.

B. Stabilization of the banks of the river, adjacent to the ordinary high water mark may be required in order to prevent erosion.

1. As Class A vegetation is the preferred method of bank stabilization a 15' wide strip of vegetation is required to cover a minimum of 70% of the subject river frontage. The remaining 30% not vegetated shall be mitigated within 25' of the ordinary high water mark on the subject property. Any nonvegetated areas may be subject to sub paragraph 2 below.

2. In situations where structural stabilization measures (rip-rap, gabbing) are deemed necessary, the design of the structure shall include overplanting with vegetation and the deliberate enhancement of fish habitat. Use of dangerous and unsightly materials, such as automobiles and debris, shall be prohibited.

C. Residential and other development may be permitted within the floodplain up to 70 feet from the ordinary high water mark. Provided, however, in those areas where site built structures or manufactured homes are located within the 70 foot setback area as of the effective date of this ordinance, the set back from the ordinary high water mark shall be the existing set back of those site built structures or manufactured homes. Minimum set backs from property lines as regulated by the Garden City Zoning Ordinance shall apply, and language to the contrary contained herein notwithstanding.

1. Levees and channels shall not be constructed as the method for floodproofing structures.
2. All open spaces (parks, golf courses, parking lots) shall be designed and operated so that they may be flooded during flood emergencies.
3. Emergency access to the river for the use of repair equipment and crews and rescue personnel shall be provided at appropriate intervals along the river as determined by Garden City Council.

8-5C-3: **FISH AND WILDLIFE PROTECTION IN CLASS A LANDS:** Future development shall preserve Eagle perches as depicted in the most current comprehensive plan. Any removal of Eagle perches shall require approved mitigation by the City Council. For maintenance and preservation of fish and wildlife, the following land classification and uses are listed hereinbelow:

DEFINITION OF CLASS A LANDS:

A. Lands and waters which provide extremely important habitats for fish and wildlife shall be referred to as Class A lands.

1. Examples of Class A lands and waters are:

- a. Lands within the floodway
- b. Areas adjacent to the ordinary high water mark with a high degree of native plant community diversity
- c. Shrub wetlands
- d. Forested wetlands
- e. Great Blue Heron rookeries
- f. Eagle winter habitats
- g. Lands within 15 ft. of the ordinary high water
- h. Islands within the river
- i. Trout spawning waters

2. Examples of Class A land uses that will be limited to those which provide for benefit for the general Public as determined by the Garden City Council:

- a. Bridges
- b. Fish & wildlife habitat improvements
- c. Irrigation weirs, diversion dams and inlets
- d. Water inlets to supply domestic water

- e. Greenbelt structures under bridges
- f. Greenbelt paths
- g. Natural parks
- h. Bank stabilization
- i. Selected public piers and beaches
- j. Public utility lines such as water and sewer lines
- k. Storm drain outlets
- l. Water pump facilities
- m. Agricultural uses

3. The wetlands shall be protected as an area where wildlife habitat protection is the first priority.

- a. Existing uses within designated wetlands will be regarded as nonconforming. Expansion or change of these uses will be considered on a case-by-case basis and evaluated as to conformance.
- b. Proposals for new development will also be evaluated on the basis of conformance.
- c. Naturally Emerging wetlands, as determined by Garden City Council shall be preserved.
- d. Class A lands may be declassified and used for developments other than those listed in Section 8-5-C-3 (A)1b.

4. Wetland areas may be replaced with a newly created area equivalent or larger emergent wetland. The newly created wetland area shall be designated as Class A land and shall be governed as such.

5. Where side channels and/or perennial water ways to the Boise River are identified as fish spawning water and/or wildlife habitat, development proposals must be designed to protect such areas. Development proposals may also be made to enhance, improve or create such habitat.

6. Whenever habitat in Class A lands serving as wildlife habitat must be replaced or destroyed, habitat shall be provided to compensate for the functional values to these species that were lost in accordance with 8-5-C-2 B1.

8-5C-4: **GREENBELT RECREATION PROTECTION:** The Garden City River Greenbelt will continue as a major park system priority providing for developed parks and non-motorized recreation opportunities as well as natural undeveloped river environment under public ownership. All development adjacent to the Boise River shall incorporate the elements

of the most recent Garden City Green Belt Master Plan and Pathway Construction standards adopted by resolution.

8-5C-5: **PROHIBITED USES:** To maintain the natural amenities of the Garden City Green Belt, the following uses are prohibited:

- A. Overnight camping shall not be permitted on the Boise River, Greenbelt, or lands between the Greenbelt and current river flows.
- B. Motorized vehicles, except for emergency-maintenance vehicles, motorized handicap chairs and scooters for the disabled, shall be prohibited on the Greenbelt pathway, Boise River and all lands between the Greenbelt and current river flows.

8-5C-6: **PENALTY:** Any person, business, firm, company, or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed three hundred dollars (\$300), or by imprisonment in the county jail for a period not to exceed thirty (30) days or both such fine and imprisonment. Each day or violation continued shall be a separate offense, punishable as hereinabove described .


SECTION 2: Should any Ordinance or part thereof be in conflict with the provisions of this Ordinance, said Ordinance shall be superseded to the extent of such conflict.

SECTION 3: Should any of the provisions of this Ordinance be held invalid for any cause, or should any portion of this Ordinance be declared invalid, then such declaration of invalidity shall not affect the remainder of balance of this Ordinance.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication hereof.

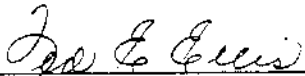
PASSED by the City Council and APPROVED by the Mayor of the City of Garden City, Idaho, this 18th day of Novmeber 1997.

ATTEST:

The seal of the City of Garden City, Idaho, is circular with a double-line border. The outer ring contains the text "CITY OF GARDEN CITY, IDAHO" at the top and "1897" at the bottom, separated by small stars. In the center, the word "SEAL" is written in a stylized font. A signature, "Dave O'Leary", is written across the seal. Below the seal, the text "Dave O'Leary, City Clerk" is printed.

Dave O'Leary, City Clerk

APPROVED:

A handwritten signature in cursive script, "Ted E. Ellis", is written above a horizontal line. Below the line, the text "Ted E. Ellis, Mayor" is printed.

Ted E. Ellis, Mayor

SUMMARY OF GARDEN CITY ORDINANCE NO. 696

This is a summary of Garden City Ordinance No. 696 relating to the river plan for flood protection, fish and wildlife protection, greenbelt recreation and protection, and development along the Boise river within the boundaries of Garden City.


Section 1 provides for the purpose of the addition of chapter 5C of title 8 all of Garden City Code and its subsections, providing for standards for development and recreation along the Boise River, throughout Garden City, without creating circumstances causing the loss of life and property damage.

Section 2 provides for conflicts.

Section 3 provides for severability.

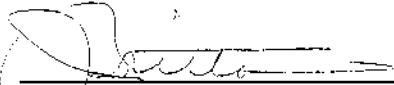
Section 4 provides for an effective date.

The whole text of this Ordinance 696 is available at Garden City Hall.



Dave O'Leary, City Clerk

I certify that this summary is true and complete and provides adequate notice to the public.



Jack Britton Asst. City Attorney

Please publish 12/21, 1997, one(1) time.
Account # 35530