

BE IT ORDAINED BY THE ELECTORATE OF THE CITY OF BOISE, IDAHO:

That Boise City Code Title 7, Chapter 7 shall be, and hereby is, amended by the addition thereto of a new article 7-7D to read as follows:

Section 7-7D-1: STATEMENT OF PURPOSE:

- 1) Parks, wildlife habitat, and Open Space are vital to the quality of life of children, adults, and seniors in Boise. As the City's population grows, the importance of Parks and Open Space for Boise residents also grows.
- 2) Studies show that Parks and Open Space promote public health by providing places to walk and exercise, thus, increasing physical activity and reducing stress.
- 3) Preservation of Boise's unique natural heritage not only protects the quality of life of all Boise residents, but it also promotes tourism. Boise's Parks are, therefore, important to the economic development and stability of businesses and their employees alike.
- 4) Given the importance of Parks and Open Spaces to the physical and mental well-being of Boiseans and of the economy of the City, the disposal, sale, or Change In Use of Parks and Open Space should be done only with care and with the consultation of the City's electorate.

Section 7-7D-2: DEFINITIONS: For the purposes of this article 7-7D only, the following words and phrases shall have the following meanings:

CHANGE IN USE: Any action taken or considered by the City to modify the zoning, land use, or Park or Open Space designation of any Park or Open Space as defined herein.

LAND AREA: The area of land of a specific property at the time it was acquired by the City.

OPEN SPACE: Any and all lands owned or maintained by any Boise City Department that are designated, dedicated, or otherwise restricted to uses consistent with open space at the time of or subsequent to enactment of this article 7-7D. Open Space shall include any land that is used, designated, or acquired as open space or land that is preserved as undeveloped green space.

PARK: Any and all lands, buildings, facilities, reserves or open space, sports complexes, swimming pool grounds, golf courses, game fields, cemeteries, playgrounds, skate board parks, BMX facilities, zoological and/or botanical gardens, trails, and other general or special use outdoor places, including the Boise River Greenbelt, that are owned, operated, or maintained by the City of Boise or specifically in the inventory of park properties at the Office of the Director of the



Boise City Department of Parks and Recreation or his/her designee at the time of or subsequent to enactment of this article 7-7D.

Section 7-7D-3: PUBLIC VOTE: Notwithstanding any rule, regulation, ordinance, or law, the City shall not sell, trade, dispose, transfer, gift, or Change In Use of any Park or Open Space in excess of five (5) percent of its Land Area unless the City Council determines it is in the public interest by submitting any such proposed action to the qualified electors of the City. The results of the election regarding such proposed sale, trade, disposal, transfer, gift, or Change In Use shall inform the City Council's public interest determination.

Section 7-7D-4: PUBLIC APPROVAL: Approval by a majority of qualified electors voting pursuant to the preceding section in an election is a prerequisite to a determination that such action is in the public interest.

Section 7-7D-5: EXCEPTION FOR EMINENT DOMAIN: This article 7-7D shall not apply to any successful eminent domain proceeding in a court of competent jurisdiction or any other final order from a court of competent jurisdiction provided, however, that the City takes action to oppose such condemnation and participates in the defense of such eminent domain proceedings in all administrative and trial court proceedings related to such condemnation.

Section 7-7D-6: SEVERABILITY: If any section, paragraph, clause, or other portion of this article 7-7D or the application thereof is held to be invalid, unlawful, void, or unenforceable to any extent for any reason, the validity of the remaining portions of this article 7-7D shall be enforced to the maximum extent possible by law to further the purposes set forth in this article 7-7D.

BOISE CITY
DEPARTMENT OF PARKS
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