



DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street □ Garden City, Idaho 83714
Phone 208/472-2900 □ planning@gardencityidaho.org

TO: Mayor and Council
FROM: Jenah Thornborrow, Director
DATE: August 11, 2025
SUBJECT: Requests to Reconsider SUBFY2025-0002 Stateside Subdivision Height Compliance

REQUESTED ACTION

Dave Leroy on behalf of John Bolt requests a reconsideration of SUBFY2025-0002 Stateside Subdivision, specific to the interpretation of height compliance.

RECOMMENDATION

None.

If the City Council determines that the decision may be in error, or the written decision is otherwise inadequate, the City Council should reconsider the matter.

If there is no error in the decision the City Council does not need to grant the reconsideration request. Similarly, if City Council wishes only to clarify non-substantive matters within the decision, the City Council may do so without granting the reconsideration request.

POTENTIAL ACTION

The City Council is not required to make an action on this matter.

If the City Council does not provide a written decision on the reconsideration request within 60 days of the request, the reconsideration request is considered denied.

If the City Council decides to reconsider this matter, two matters should be included in the motion. The first is that the City Council will **reconsider the merits of the decision**, and the second is to provide a **date certain**.

GENERAL BACKGROUND

TITLE 67, STATE GOVERNMENT AND STATE AFFAIRS, CHAPTER 65, LOCAL LAND USE PLANNING, [67-6535](#) (linked) is applicable to this request for reconsideration. This statute provides the following guidance:

- Written Decision: A written decision must be provided. Whenever the nature of any decision standard or criterion allows, the decision shall identify aspects of compliance or noncompliance with relevant approval standards and criteria.
- Reconsideration Requisite: There is a 28-day right to judicial review from the date of the final decision. Before a person can seek judicial review of a final decision, they must first exhaust the local remedies and request reconsideration of the final decision within 14 days of the decision. This request must clearly state the specific issues with the original decision.
- Reconsideration Process: The City has 60 days to provide a written decision on the request for reconsideration. If a written decision is not provided, the request for reconsideration is considered denied. The timeline for seeking judicial review is "tolled" (or paused) until the reconsideration process is complete.
- Court Review: When reviewing decisions, Idaho courts look at the entire process to make sure it was fair and reasonable. They focus on whether the procedures were followed properly and whether the final decision makes sense based on the facts and practical realities.
- Standing: Only those whose challenge to a decision demonstrates actual harm or violation of fundamental rights, not the mere possibility thereof, are entitled to a remedy or reversal of a decision.

CONSIDERATIONS

At its July 28, 2025, meeting, the Garden City Council approved, with conditions, SUBFY2025-0002 Stateside Subdivision located at 6515 State Street. The written decision was issued on July 30, 2025. On August 3, 2025, a timely request for reconsideration was submitted by Dave Leroy on behalf of John Bolt, and on August 4, 2025, a response was provided by Jonathan Wardle of Brighton Development, Inc., the applicant. Both documents are attached and summarized below.

The Request for Reconsideration

The request challenges the City Council's finding that the proposed development complies with the maximum building height requirements. The concern centers on Exhibit A-2 of the April 15, 2024, SAP Approval

REQUEST TO RECONSIDER SUBFY2025-0002

Agreement, which includes a map with a notation: "35' MAXIMUM HEIGHT South of line.¹" The request asserts that this notation was the result of negotiations between the SAP applicant and adjacent homeowners and was intended to limit visual impacts from the perspective of existing grade elevations.

The request asserts that the Council's interpretation, based on the SAP Code definition of height measured from finished grade, disregards the original intent of the agreement and the expectations of surrounding homeowners. It asks the Council to reconsider its decision and honor the agreement's visual impact limitations.

The Applicant Response

The applicant opposes reconsideration, stating that the Residences at River Club SAP zoning code, GCC 8-8A ADOPTED SPECIFIC AREA PLAN PROJECT ORDINANCES, RESIDENCES AT RIVER CLUB, governs the development and clearly defines building height as measured from finished grade 8-8A-4A-2: DEFINITIONS OF TERMS, Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point thereof for flat roofs, to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs.

The response notes that Mr. Bolt's reference to GCC 8-4A-3 FENCES AND WALLS is not applicable to the project as it is not part of the governing zoning regulations, GCC 8-8A, nor is it generally applicable to determining building height.

The response also looks to the adopted decision for SAPFY2023-0001, the Residences at River Club, Condition 9.a., Page 25, where it states that building height is defined by adopted Code:

9. Required revisions to the Conceptual Master Plan include:

- a. The height, as defined by adopted Code, of the area of the East Subdistrict, identified in the image referred to "Exhibit A" of the applicant's rebuttal presentation on June 26, 2023, hearing shall be limited to a maximum of 35'. The review of this change to the East Subdistrict will be reviewed no later than the design review of the West Subdistrict.

The applicant maintains that the Council's decision was consistent with the adopted SAP Ordinance and applicable code, and requests that the original approval be reaffirmed.

¹ This is presumed to be the recorded Development Agreement.

Further Consideration

For ease of code review, staff have provided the following provisions for reference:

GCC 8-8A-1A-4: APPLICABILITY: The regulations of the River Club SAP district code shall apply and govern development and use within the River Club SAP district.

8-8A-1A-5: INTERPRETATION:

C. Conflicting Provisions:

2. In case of conflict between the River Club SAP district code and the Residences at River Club master plan, the River Club SAP district code shall prevail.

Staff also suggest that if the City Council concurs with the applicant, that Finding 6 of the decision document could be clarified by adding the italicized text:

9. Height Compliance Due to Fill: Building height is measured from the finished grade of the development, in accordance with standard practice, *and consistent with Garden City Code 8-8A-4A-2: DEFINITIONS OF TERMS, Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point thereof for flat roofs, to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs. Moreover, the interpretation follows the decision for the application SAPFY2023-0001, the Residences at River Club, Condition 9.a. Pages 25/26:*

9. Required revisions to the Conceptual Master Plan include:

a. The height, as defined by adopted Code, of the area of the East Subdistrict, identified in the image referred to "Exhibit A" of the applicant's rebuttal presentation on June 26, 2023, hearing shall be limited to a maximum of 35'. The review of this change to the East Subdistrict will be reviewed no later than the design review of the West Subdistrict.

CONCLUSION

Under Idaho Code § 67-6535, an applicant or affected party may request reconsideration of a land use decision within 14 days of the final written decision. The request must identify specific deficiencies in the decision.

The City Council is not obligated to act on a request for reconsideration. If no written decision is issued within 60 days of receiving the request, the request is automatically deemed denied.

If the Council believes there may have been an error in its original decision, it may choose to reconsider the matter. This would require scheduling the item for a future Council meeting. Importantly, the law does not require the Council to identify specific deficiencies in the original decision to grant reconsideration.

If the Council does not believe an error occurred but wishes to clarify the language of the written decision, such as adding wording agreed upon during deliberations, it may do so without scheduling a new meeting, provided the changes are non-substantive (e.g., grammatical or explanatory clarifications).

If the Council sets a date to consider the merits of the reconsideration request, it retains the discretion to affirm, reverse, or modify its original decision at that time. Any such action must be documented in a written decision provided to the applicant or affected party within the 60-day window.

ATTACHMENTS

- Request for Reconsideration
- Applicant Response
- John Bolt's testimony exhibit, July 28, 2025
- SUBFY2025-0002 Decision Document
- SAP Decision Document
- Recorded SAP Development Agreement

LINKED DOCUMENTS

- File Record [SUBFY2025-0002 Stateside Subdivision](#)

From: [Dave Leroy](#)
To: [Lisa Leiby](#)
Cc: [planning](#); [Charles Wadams](#); [Dave Leroy](#)
Subject: REQUEST FOR RECONSIDERATION ON THE 35 FOOT HEIGHT LIMIT DECISION - SUB2025-0002- COUNCIL DECISION OF JULY 28, 2025
Date: Saturday, August 2, 2025 3:08:45 PM

DEAR MADAM CLERK, JENAH AND COUNSELOR: ON BEHALF OF MY CLIENT, JOHN BOLT, A RESIDENT OF GARDEN CITY AND IN PLANTATION SUBDIVISION, AND OTHER CITIZENS SIMILARLY SITUATED, I SUBMIT HEREWITH AND BELOW, HIS TIMELY REQUEST FOR RECONSIDERATION OF THAT PORTION OF THE ABOVE DESCRIBED COUNCIL ACTION, AS INDICATED AND DESCRIBED IN FINDING 6, SUBPARAGRAPH 9, PAGE 15 OF THE PUBLISHED TEXT, UNDER THE CAPTION "HEIGHT COMPLIANCE DUE TO FILL," URGING THAT ANY SUCH INTERPRETATION AND APPROVAL, ON THE UNIQUE FACTS OF THIS CASE, IS CONTRARY TO THE SPECIFIC PROVISIONS AND INTENT OF THE PREVIOUSLY ADOPTED SAPFY2023-0001, AS ARTICULATED BY MR. BOLT BEFORE THE COUNCIL ON JULY 28, EARLIER REFERENCED BY ME BEFORE THE PLANNING AND ZONING COMMISSION ON JULY 8 AND NOW PRESENTED IN SPECIFIC OBJECTION BY THE MEMO BELOW. YOUR REVIEW, RECONSIDERATION AND AMENDMENT IN THIS PARTICULAR IS HEREBY REQUESTED.....IF FURTHER DETAILS, FORMS OR PROCESSES ARE REQUIRED TO PERFECT THIS ADMINISTRATIVE APPEAL, PLEASE ADVISE ME OF THE SAME WITHIN THE REMAINDER OF THE 14 DAY APPEAL PERIOD.....REGARDS, DAVE LEROY, ATTORNEY AT LAW

From: Jon Bolt <idakiteman@gmail.com>
Sent: Thursday, July 31, 2025 3:10 PM
To: Dave Leroy <dave@dleroy.com>
Subject: Re: SEND YOUR REQUEST FOR RECONSIDERATION ON THE 35 FOOT HEIGHT LIMIT

SUBJECT: Reconsideration Request, Council approval of SUBFY2025-0002

It is hereby requested the Garden City Council reconsider its finding that SUBFY2025-0002 complies with "maximum height" requirements declared in Exhibit A-2 of the April 15, 2024 SAP Approval Agreement.

Exhibit A-2 of the SAP Approval Agreement is a map of the SAP area, wherein SUBFY2025-0002 land shows a bold dashed line labeled: "35' MAXIMUM HEIGHT South of line". This addition to the map came about from protracted contention between the SAP applicant and surrounding homeowners, leading both parties to agree to add this notation to the SAP map. From this context behind the origins of that added notation, it is undeniable that the 35' height limit was to be measured from the perspective of adjacent homeowners who were party to the agreement, and whose homes are at existing grade. From the perspective of those homeowners who were promised this restriction, building up the grade by 3 or more feet, then putting 35' height structures on top of grade, clearly would not result in the "35' maximum height" visual effect they were promised.

At the July 28 City Council hearing, however, the Council chose to overlook this core context and instead evaluated compliance as if it was strictly a matter of putting the blinders on and finding definitions in code that best fit the Stateside proposal. The council treated the matter solely as a choice between:

- city code, title 8, which defines "Maximum Height" as measured from "existing grade" (the grade elevation before any activity to change it), and
- a passage in separate and less used "SAP Code" which defined "Maximum Height" entirely differently, as measured from "finished grade"

With these blinders on, and faced with the contradictory definitions in code, the council determined the latter definition prevailed, resulting in their finding of compliance

However, as explained, the basis of this height restriction arose from an agreement to limit visual impacts for surrounding homeowners, living among existing grades, to 35'. The Council chose to base its decision solely on groveling over code word interpretations. By completely ignoring the larger origins behind the height restriction notation on the SAP map, the council avoided recognizing the full and true meaning of that height restriction. It does not take deliberations over code to conjure up its true meaning. Failure to recognize those origins wholly disrespected the agreement homeowners were promised, and the SAP applicant conceded, which was written on the map.

On this basis, reconsideration is respectfully requested, asking the Council to honor the original agreement between the SAP Applicant and surrounding homeowners which was behind the notation on the SAP map. The SAP Approval Agreement promised those homeowners 35' MAXIMUM HEIGHT from their visual perspectives, NOT with unlimited fill heights and then 35' on top of that.

On Thu, Jul 31, 2025 at 1:35 PM Dave Leroy <dave@dleroy.com> wrote:

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

◆ BRIGHTON

August 4, 2025

Jenah Thornborrow
Development Services Department
City of Garden City
6015 Glenwood Street
Garden City, ID 83714

Re: Stateside Subdivision (SUBFY 2025-0002)
Response to Request for Reconsideration

Dear Jenah,

We are aware that Mr. LeRoy made a request for reconsideration on behalf of Jon Bolt ("Mr. Bolt") to review the building height. As the Applicant, we ask that the request for reconsideration not be allowed, and that the following information be provided to the Mayor and Council.

At the public hearing, Mr. Bolt gave the Mayor and Council a packet of information and provided comments. In response, I pointed out that his use of "maximum height" referenced in his memo was truncated and his testimony was out of context. The "maximum height" he referenced was from Garden City Development Code ("Code") 8-4A-3-C, which is excerpted from Code 8-4A-3: Fences and Walls. Maximum height, as referenced in this section, is only applicable to **Fences and Walls** and **not** relevant to the building height, which states in 8-4A-3-C-4 (included in whole and not truncated):

8-4A-3: FENCES AND WALLS:

- A. *Applicability: All new fences shall be required to be in conformance with this section. Legal nonconforming fences may remain so as long as there are no significant improvements to the site or specifically conditioned in a conditional use permit.*
- B. *Permit Required: Anyone constructing a fence or wall over six feet (6') in height shall first obtain design review consultant(s) recommendation for approval followed by approval from the planning official and a building permit from the city prior to construction. Any fence located in the floodway shall secure a floodplain permit from the city prior to construction. (Ord. 944-12, 5-14-2012)*
- C. *Maximum Height Requirements:*
 - 1. *Fences and walls located along a street frontage within the front yard setback: Three and one-half feet (3.5').*
 - 2. *Fences and walls located within rear and interior side setbacks not adjacent to public rights-of-way: Six feet (6').*
 - 3. *Fences and walls on residential property with rear and interior side yards located adjacent to commercial uses: Eight feet (8').*
 - 4. *The height of fences and walls shall be measured from the existing grade. (Ord. 898-08, 9-8-2008)*

Even though 8-4A-3 isn't applicable to building height, I noted that Mr. Bolt identified at the hearing and still continues to reference the incorrect section of Code. Rather, the Residences at River Club has its own adopted Specific Area Plan (SAP) Ordinance and Development Code, which is codified in Chapter 8-8A. The SAP Ordinance was reviewed through the Public Hearing Process, and the City Council approved

Findings and adopted it by Development Agreement. The City then subsequently updated Code to include Chapter 8-8A, which is applicable to development of the Residences at the River Club:
<https://www.codepublishing.com/ID/GardenCity/#!GardenCity08/GardenCity0808A.html#8-8A>

Although the Code sections are similar (reference *Fences and Walls* 8-4A-3 with 8-8A-3A-3 and *Definitions of Terms* 8-7A-2 with 8-8A-4A-2), Chapter 8-8A **IS** the adopted Code that applies to the Residences at River Club. More specifically, the Building Height is defined in Code 8-8A-4A-2 Definitions of Terms as:

BUILDING HEIGHT: *The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point thereof for flat roofs, to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs.*

It is equally important to refer back to the City's Adopted and Signed Findings of the Residences at River Club (SAPFY2023-0001), Condition 9.a., Page 25 (8/14/2023), where it states that **building height is defined by adopted Code:**

9. *Required revisions to the Conceptual Master Plan include:*
 - a. *The height, as defined by adopted Code, of the area of the East Subdistrict, identified in the image referred to "Exhibit A" of the applicant's rebuttal presentation on June 26, 2023, hearing shall be limited to a maximum of 35'. The review of this change to the East Subdistrict will be reviewed no later than the design review of the West Subdistrict.*

There was no concern expressed over building height when the Findings were adopted and the SAP Ordinance was codified for the Residences at River Club. The building height for the Residences at River Club is unambiguously defined by adopted Code as "*the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point thereof.*" Mr. Bolt's request is contrary to the Public Process, adopted Findings and codified SAP Ordinance for the Residences at River Club.

We respectfully request that the City Council not reconsider this request and reaffirm the approval of Stateside Subdivision (SUBFY 2025-0002) as heard on July 28, 2025.

Sincerely,

Brighton Development, Inc.

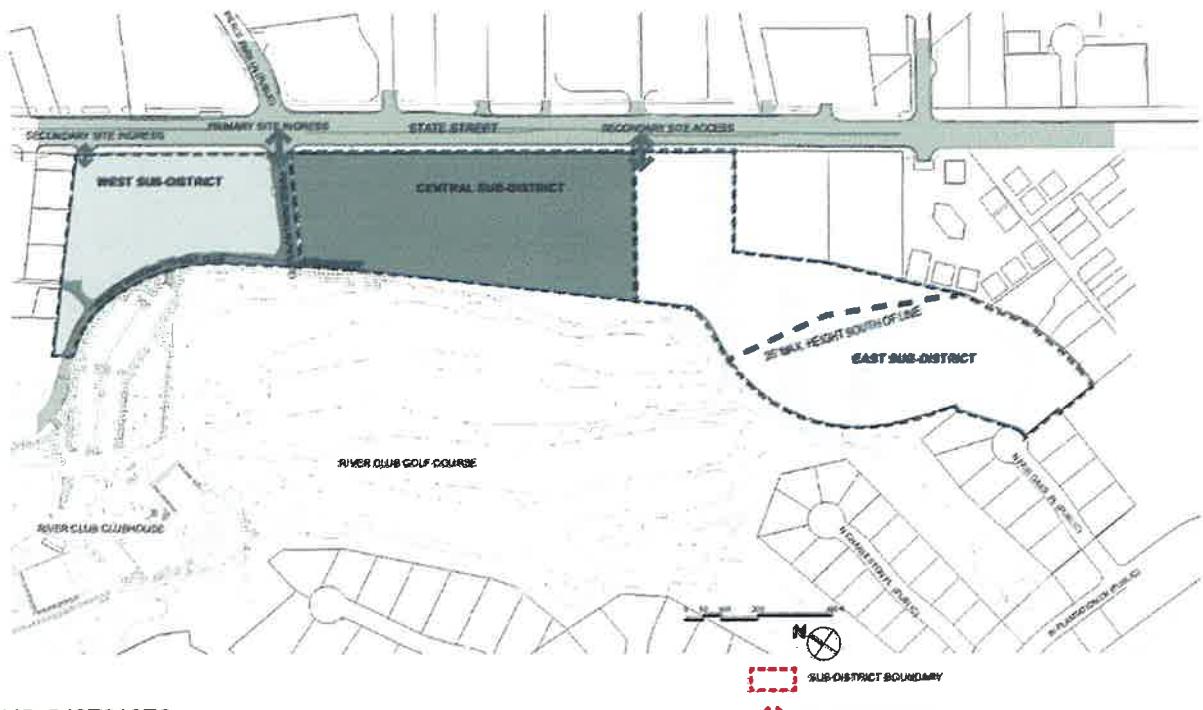


Jonathan D. Wardle

cc: Hanna Veal
Charles Wadams

EXHIBIT A-2

Graphic Depiction of Property



SUB-DISTRICTS

LPCWEST
lpcwest.com

NOTE: Building footprints are approximate. Depending on market demands, design and phasing sequence is expected to evolve during Design Review Application within the provisions in the approved Specific Area Plan.

RIVER CLUB SAP | SAP APPLICATION
FINAL FEBRUARY 27, 2024 DECEMBER 19, 2022 **CRTKL**

July 8 P&Z hearing, Brighton/Mr. Wardle revealed

- Proposed townhomes will be 35' height “pad to roof top”
- Flood mitigation & irrigation ditch enclosure will require raising **existing grade**, estimated 3' or more under townhomes
 - All grade build-up details not known until Engineering Plan arrives
- Present facts indicate MAX. HEIGHT of 35' + 3' = 38' or more

P&Z July 8, Commissioner response to height compliance

- Commissioner Brown:
 - “By established conventions, height specifications are always understood to be measured from finished grade, the grade ready for structural build.”
 - Townhouses of 35' height comply with the SAP MAX HEIGHT restriction
- None of the other 3 Commissioners questioned or challenged this explanation
- P&Z found the Brighton Plan compliant with the SAP Approval Agreement and it's 35' MAX HEIGHT restriction

Garden City Code: contains ONE, & ONLY ONE definition:

- 8-4A-3-C. Maximum Height: — WHA
- 4. The height of fences and walls shall be measured from the existing grade. (Ord. 898-08, 9-8-2008)
- IBC 2018 (compliance required by State law)
 - EXISTING GRADE: “The ground level before any work is done to change it”
- Comparison: 8-7A-1 DEFINITIONS: BUILDING HEIGHT
 - “The distance measured from FINISHED GRADE”
- Approved SAP map states “35' MAX HEIGHT” not “35' BUILDING HEIGHT”

P&Z July 8 Error

- Commissioner Brown incorrectly interpreted “MAX HEIGHT” to be identical to “BUILDING HEIGHT”.
- They are distinct terms with distinct definitions
- No other commissioners caught this error
- The SAP approved map speaks for itself
- P&Z erred, finding the Brighton plan compliant with the SAP Approval Agreement terms

CONTEXT behind “MAXIMUM HEIGHT” definition

- For structures that affect views & privacy: fences, walls, overbearing adjacent structures & dwellings
- A 10' Structure on top of 4' grade lift DOES NOT COMPLY with a 10' MAX HEIGHT
- ORIGIN of the notation added to the SAP map (Exhibit A-2)
 - An agreement between the SAP applicant and adjacent homeowners incorporated into the SAP Approval Agreement
 - Adjacent homeowners at **EXISTING GRADE** care about the height limit they will see from their homes & yards, and agreed to accept that maximum height restriction
 - Excluding grade-lift from height restrictions attempts to circumvent compliance

SITUATION

- P&Z erred in finding Brighton's plans compliant with MAX HEIGHT restrictions in the SAP Approval Agreement
- The City Council must decide if it will respect:
 - The SAP Approval terms
 - City codes & definitions
 - The agreement between the SAP Applicant & homeowners behind the MAX HEIGHT spec

BEFORE THE GARDEN CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	SUBFY2025-0002
)	
)	
Combined Preliminary & Final Plat Subdivision	)	FINDINGS OF FACT
Stateside Subdivision	)	CONCLUSIONS OF LAW,
6515 W. State Street	)	AND DECISION
Garden City, Ada County, Idaho)	
)	

THIS MATTER came before the Garden City Council for consideration on July 28, 2025. The Garden City Council reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Council makes the following Findings of Fact, Conclusions of Law, and Decision:

FINDINGS OF FACT

1. The name of the proposed subdivision has been reserved as the Stateside Subdivision.
2. The application is for a Combined Preliminary and Final Plat Subdivision.
3. The applicant is Jeremy Wright, Brighton Development, Inc.
4. The property owner of record is LB RIVER CLUB OWNER LLC.
5. The location of the project is:
 - a. 6515 W. State Street; Taxing Parcel Number: S0630212980; Property is described as PAR #2980 OF SE4NW4 SEC 30 4N 2E PARCEL E ROS 14617 IN TCA 06-3 #223350-S.
 - b. W. State Street; Taxing Parcel Number: S0630212970; Property is described as PAR #2970 OF NE4NW4 SEC 30 4N 2E PAR E ROS 14617 IN TCA 06-15 #21290-S
6. The subject property is 10.28 acres.
7. The project is located in the Activity Node: Neighborhood Destination, Green Boulevard Corridor, Residential Low Density, and Future Park/Open Space designations of the Comprehensive Plan Future Land Use Map.
8. The project is in the SAPD Specific Area Plan Zoning District.

9. A portion of the project is in the floodplain according to the 2003 FIRM.
10. A portion of the project is in the floodplain according to FEMAs most recent modeling of the Lower Boise River, adopted by resolution 1083-20.
11. The following section of the Garden City Development Code applies to this proposal:
 - a. Garden City Code 8-5: Land Division Regulations
 - b. Garden City Code 8-5C: Subdivision Located Within a Floodplain
 - c. Garden City Code 8-8A: Adopted Specific Area Plan - Residence at River Club
 - d. Garden City Code 8-1B: Existing Nonconforming Properties, Structures, and Uses
 - e. Garden City Code 8-4H: Flood Hazard
 - f. Garden City Code 8-4G: Sustainable Development Provisions
 - g. Garden City Code 8-6: Administration – General Provisions
 - h. Garden City Code 8-7B: Description of Application Requirements
 - i. Garden City Code 4-14: Storm Drainage and Erosion Control
 - j. Garden City Code Title 6: Public Water and Sewer Systems

12. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived	
X			Compliance Statement
X			Preliminary Title Report
X			Neighborhood Map
X			Subdivision Map
X			Master Plan
X			Site Plan
X			Landscape Plan
X			Schematic Drawings
X			Lighting Plan
X			Topographic Survey
X			Grading Plan
X			Soils Report
X			Hydrology
X			Engineering Drawings and Specifications
X			Natural Hazards and Resource Analysis
X			Dedications and Easements
	X		Covenants and Deed Restrictions
X			Will Serve
X			Subdivision Name Reservation
	X		Master Sign Plan

X		Verification that address is an Ada County Approved Address*
Other Materials Provided		
		Trash Disposal Plan Water Rights Analysis – Silver Lake, BVID Neighborhood Meeting Documents Vesting Deed Deed for Parcel E ACHD State Street and Pierce Park Lane Construction Plans Architectural Renderings Open Space Exhibit Street Name Review by Ada County Sustainability Checklist Tree Inventory and Arborist Report

*Items that may be required for reviews later.

13. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date ¹	Completion Date
Receipt of application		02/10/2025
Pre-Application Letter		03/10/2025
Pre-Application Meeting		03/31/2025
Letter of Acceptance		04/25/2025
Radius Notice	06/03/2025	05/05/2025
Interested Parties		05/06/2025
Legal Notice	05/30/2025	05/08/2025
Agency Notice	06/03/2025	03/10/2025 05/05/2025
Property Posting Sign	06/08/2025	06/06/2025
Affidavit of Property Posting and Photos	06/11/2025	06/06/2025

14. Agency Comments were received from:

- a. ACHD, April 9, 2025
- b. North Ada County Fire and Rescue, March 19, and April 8, 2025
- c. Central District Health, March 14, and May 9, 2025
- d. COMPASS, May 30, 2025
- e. Department of Environmental Quality, March 17, and May 12, 2025
- f. Drainage District #2, May 8, 2025
- g. Flood Control District 10, March 18, and May 22, 2025
- h. Idaho Department of Transportation, April 2, 2025, and May 6, 2025
- i. City Engineer, June 2, 2025

¹ This date is based on the date of the first of any public hearing scheduled.

15. The City received timely public comments for the June 18th Planning & Zoning hearing from the following:

In Support		
Robert DeBolt		
In Opposition		
David Leroy	Eric and Andrea Fogleman	Ronney Reagan
David Patterson	Lisa Romanoski	
Debra Riedel	Louis Stoddard	

16. The City received timely public comments for the July 8th Planning & Zoning hearing from the following:

In Support		
Adam Fuchs		
Adam Krueger	James Gorczyca	Mary Elizabeth Baker
Allan Rogers	James & Renee' Lovejoy	Mary Jo Nyblad
Allen Rogers	Janet Young	Matt Williams
Andrea Richter	Janice Street	Matthew Murray
Andrew Maloof	Jason Dobis	Michael Bonocore
Anne & Bill Connors	Jean & Bruce Christensen	Michael Chalom
Arnold Wagner	Jeff Cliff	Michael Cline
Audrey & Joseph Leaf	Jennifer Deroin	Michael Menlove
Barbara Bunner	Jeremy D. Miller	Michelle Harmon
Barbara Motooka	Jerrie Ratto	Mickey Pedersen
Barbara & Doug Perry	Jerry Schofield	Mike Jones & Annie Brother
Becky Zimmer	Jerry & Marilyn Sorensen	Mike Nero
Benny Johnson	Jim & Merridee Wark	Mike Strong
Beth Weismann	JoAnn Burrell	Mike & Karen Boyd
Bettina de Beer	Joanne Thompson	Mike – Save Plantation Coalition
Bob DeBolt	Joe & Marcia Bleymaier	Monica Bristow
Bruce & Jean Christensen	Joe Weismann	Nancy Cenell
Bryan Collins	John Deroin	Nancy Gersack
Caitlin Copple	John Huffman	Nate & Deanna Turner
Carmen Hunter & John White	Johnney B. Miller, Jr.	Nate Turner
Chris & Gary Niebrand	Jole Voulelis	Patti Perkins
Chris & Julie Cramer	Jori & Murali Bathina	Peter & Linda Snowden
Chris & Maire Tillman	Josh Kingsley	Rachael Bickerton
	Joyce & John Raudabaugh	Randy & Nan Miller

Chris Casey	Judi and Gerry Branch	Raquel Montgomery
Chris Majors	Julie Rambo	Rick Latham
Chris Perry	Justin Stenquist	Rita & Bob Franklin
Chuck & Barbara Kennedy	Karen Banyard & Robert Running	Ritch & Maggie Blackstead
Clark Bilyeu	Karen Tino	Robert & Mike Burkett
Clayton Miller	Kate Souza	Robert & Phyllis Brewton
Clint Sievers	Katherine & Leon Panos	Robin Gorczyca
Colleen Huffman	Kathleen Zielinski	Sam Huston
Colleen Lambertz	Kathy Clancy	Scot & Sarah Scheffel
Collen Lmbertz	Kathy Enright	Scott A Stingley
Dan R. Allumbaugh	Kaydeen Burkett	Scott A. Stingley
Dana Gordon	Keli Elledge	Scott Butler
Danielle Horras	Kelleen (Kelly) Blake	Scott Ellsworth
Dave & Shelly Parker	Ken Malach	Scott & Cheryl Moore
Dave Elledge	Kendra Pieroni	Shawn & Cindy Reilly
David & Becky Meyer	Kevin & Diana Helmick	Sheila Pugatch
David Foster	Kimber Miller	Shelley Gordon
David Heffner	Kimberly Beswick	Sheryl Scott
Deanna Turner	Kris Robinson	Solymar Palm
Dennis & Kathy Petersen	Kristen Colter	Stan Slyter
Dennis Beebe	Kristen Hilvers	Stan Tonkin
Dennis Huston	Kristin Barton	Steven Smock
Dick Curtis	Lacy & Joe Hazel	Sue & Dave Gray
Doug L Werner	Laura Donaldson	Suzanne Frederick
Durwood "Dodie" Birdsall	Laurie Luke-Strong	Tamyra Gent
Duster Palmer	Lee Barton	Terri Nero
Dustin Colter	Leona (Janelle) Curtis	Thomas E Donahoe
Elizabeth Paulson	Linda S Morrison	Tim & Susan Bundgard
Ellis Perry	Lisa M. Gardner	Todd Bennett
Eric & Laranne Oser	Lori Jackson	Todd K Walker
Eric White	Lorrie Asker	Tom & Kaylin Murray
Erik Helgeson	Louis Pagano	Troy Little
Eva McKelvey	Louis Ratto	Tsunny Morton
Gary Spiers	Louis Voulelis	Uarda Coombs
Gene Vernon	Luke Cuccia	Vicki Malloy
Gerre Pagano	Lynn Thomas	Vicki White
Gina Smith-Winegar	Lynn Thomas	Vince Derig
Harriet Crist	MJ Byrne & Edward Altman	Walter & Sonja Johnson
Howard Teutsch	Mark Broz	Whitney Lippincott
Jack Lynch	Mark & Christina Johnson	William Post

James (Jim) Peterson	Martha Musial	William Whitney
James Cannon	Mary Ann Arnold	Marilee Pospahala
In Opposition		
Alicia Baptiste	Lawrence B. Campbell	Stanley Slyter
Brently Bird and Kelly Holzscheiter	Mike Downey	
Donald and Michelle Weese	Pete Edmunds	

17. The City received timely public comments for the July 28th City Council hearing from the following:

In Support		
Adam Krueger	Grace & James Oldham	Patricia Perkins
Andrea Coddens	Ken Cherry	Richard Curtis
Bill & Anne Connors	Kristen Colter	Rich & Maggie Blackstead
Chris Perry	Lisa M. Gardner	Scott & Cheryl Moor
Deanna Turner	Lou & Gene Pagano	Stan Tonkin
Ellis Perry	Mike Aboussie	
Genger Fahleson	Mike Nero	

18. On June 18, 2025, a hearing was held before the Garden City Planning and Zoning Commission. A summary of the hearing is as follows:

- The applicant, staff, and members of the public were present.
- Due to technical difficulties within the Council Chamber Room, the application was not heard. The Commission continued the hearing to a Special Hearing on July 8, 2025.

19. On July 8, 2025, a Special Meeting was held by the Garden City Planning and Zoning Commission. A summary of the hearing is as follows:

- Chairperson Montoya introduced the matter.
- Jon Wardle presented the application.
- Hanna Veal provided the staff report.
 - Note: Approximately six minutes of the audio recording were unclear; a transcript of this portion is attached based on Staff's speech notes. The audio of the video recording is missing from timestamp 32:06 to 39:30. However, a full audio backup recording is available and was used to complete the meeting minutes for this portion.
- Chairman Montoya opened the public testimony portion of the hearing. He conducted a show of hands to gauge public sentiment regarding the application. Based on varying individual counts, approximately 108 to 114 attendees indicated support for the proposal, while 12 individuals expressed opposition.
- Public testimony was provided by:
 - Dave Leroy provided spokesperson testimony in opposition

representing:

1. John and Lynn Livingston
2. Lou and Marilyn Stoddard
3. Andrea and Eric Fogelman
4. Pete and Kristi Edmunds
5. Michele Weese.

ii. Dan Hollard provided spokesperson testimony in opposition representing:

1. David Peterson.

iii. Kahle Becker - in opposition

iv. Rachel Bickerton (and on behalf of husband Tom Donahoe) - in support

v. Philip Gordon - in opposition

vi. Lisa Romanoski - in opposition

vii. Whilliam Whitney - in support

viii. Patti Perkins - in support

ix. The following individuals signed up in support of the application, but did not wish to provide testimony:

1. Mike Nero
2. Anne Williamson
3. Nancy Marsh
4. Mike Jones
5. Leslie Eldridge
6. Brody Aston
7. Cherie Palmer
8. Ryan Eldridge
9. Brian Marsh
10. Duster Pulman.

f. Matters of opposition included:

- i. The application is in the floodplain.
- ii. Height compliance due to fill.
- iii. Buffering of existing neighborhood.
- iv. Access to Fair Oaks Place.
- v. Lack of sidewalk standard adherence.
- vi. Application of the CC&Rs.
- vii. Developer's lack of financial ability to construct the project.
- viii. The developer is out of state.
- ix. Infrastructure adequacy.

g. Jon Wardle provided a rebuttal.

- i. The Developer is local, not out-of-state.
- ii. Fair Oaks Place access is gated; emergency access only (e.g., Knox Box).
- iii. Plans will be submitted and reviewed for compliance with floodplain, storm drainage, and utility requirements.
- iv. The road in question is a common driveway.
- v. The Specific Area Plan notes that two or more units can utilize a

common drive.

- vi. The application of 8-8A-3D-3.A.6.a. code is only applicable to a parking lot.
- vii. The common drive is 26' wide, allowing two-way traffic and no parking. The buildings are setback by a minimum of 4' from the common drive.
- viii. Large vehicles such as garbage trucks, fire trucks, and school buses can utilize the common drive.
- ix. The staff tree analysis is acceptable.
- x. Sidewalks on the common drive would require that the common open space area be adjusted.
- xi. Site grading may raise areas up to 3' to meet floodplain regulations and engineering requirements.

h. Chairman Montoya closed the public testimony.

i. Discussion included:

- i. Landscaping concerns resolved per staff analysis.
- ii. This is not the appropriate location to litigate the CC&R application. That is a civil matter, and this application has not been stayed.
- iii. The roadway functions as a street, not a common driveway; All 134 dwellings, including garbage and emergency services, rely on the street for primary access. Therefore, the sidewalk should be required.
- iv. If the roadway is classified as a common drive, it is not subject to the same improvement standards required of a private street. However, if it is determined to be a street, then all applicable code requirements for streets must be met.
- v. The pathways located at the front of the units provide sufficient pedestrian connectivity.
- vi. The proposal to restrict access to North Fair Oaks Place Subdivision is sufficient to comply with the SAP approvals.
- vii. Parking Subsection 6 of GCC §8-8A-3D-3(A), does not apply to garages, but rather parking lots.
- viii. As proposed, the units would require backing directly into the roadway.
- ix. The definition of alley states that an alley is secondary access.
- x. Height requirements have consistently been evaluated based on the finished grade at the time of development, rather than the pre-development grade.
- xi. Staff recommended condition 14 is adequate to address the floodplain and drainage concerns.
- xii. Perimeter landscaping requirements do not apply to areas adjacent to the golf course. Staff recommended Condition of Approval "Prior to approval of construction plans" No. 3(f) regarding perimeter landscaping should be removed.
- xiii. Sewer separation requires tiling.

- j. Commissioner Smith moved to recommend approval with the staff recommended decision with the following amendments:
 - i. The roadways shall be classified as streets; therefore, sidewalks are required.
 - ii. The City Council shall apply the staff's interpretation of the term "frontage" as conditioned.
 - iii. Subsection 6 of GCC §8-8A-3D-3(A), titled "Parking Area Access Requirements," applies specifically to parking areas that serve multiple parking spaces. Not to be applied to residential garages and private driveways.
- k. Commissioner Brown seconded the motion.
- l. The motion passed unanimously.

20. On July 16, 2025, a hearing was held before the Garden City Planning and Zoning Commission. A summary of the hearing is as follows:

- a. At the start of the meeting, the Chairman noted that the public hearing for this item was closed during the special hearing on July 8, 2025. The purpose of this agenda item is to determine whether further discussion is needed based on the staff-prepared draft decision document.
- b. The Chairman recommended that, if there are no further comments and the draft appears accurate, the Commission move the item to the consent agenda.
- c. The staff, nor any member of the Commission, noted a reason why this item needed to be heard.
- d. Commissioner Brown commended staff member Hanna Veal for her exemplary work in accurately summarizing the discussion from the previous hearing and effectively incorporating that summary into the findings and conditions of approval within the decision document.
- e. The application was moved to the consent agenda and approved.

21. A hearing was noticed for July 14, 2025, in front of the Garden City Council. During the City Council meeting on July 14, 2025, the City Council did not open the public hearing and continued the hearing to the date certain of July 28, 2025.

22. On July 28, 2025, a public hearing was held before the Garden City Council. A summary of the hearing is as follows:

- a. Mayor Evans introduced the matter.
- b. Jon Wardle presented the application.
- c. Jenah Thornborrow provided the staff report.
- d. Mayor Evans opened the public testimony portion of the hearing.
- e. Public testimony was provided by:
 - 1. Robert McClellan - in support
 - 2. Matt Williams - in support
 - 3. William Whitney - (declined to speak, but noted support)
 - 4. Clark Bilyeu - in support
 - 5. Patti Perkins - in support

6. Andrea Fogelman (declined to speak, but noted opposition)
7. Debra Riedel (declined to speak but noted concurrence with Jon Bolt's testimony)
8. Jon Bolt-in opposition
9. Mark Johnson- in support
10. Janelle Curtis- (declined to speak, but noted support)

f. Matters of opposition included:

- i. Height compliance not meeting code.

g. Jon Wardle provided a rebuttal.

- i. Noted that the referenced height determination code was specifically for fences and read the applicable code regarding height determination.

h. Mayor Evans closed the public testimony.

i. Discussion included:

- i. The Planning and Zoning Commission provided a well-reasoned recommendation.
- ii. "Option 1" meets the sidewalk standards and "option 2" does not provide additional value.
- iii. Adding the trees as required by code meets the perimeter landscaping requirements without additional landscaping, provided that the trees result in a tree canopy.
- iv. Council President Page moved to sustain the Planning and Zoning Commission recommendation as discussed approving "option 1" for the sidewalks, and with the interpretation that trees could meet the perimeter landscaping standards.

j. Councilmember Rasmussen seconded the motion.

k. The motion passed on a 3/0 vote.

23. The record contains:

- a. Application
- b. Noticing Documents
- c. Agency Comments
- d. Public Comments
- e. Design Review Consultation Minutes and Audio: May 19, 2025
- f. Planning and Zoning Minutes and Hearing Audio: June 18, 2025
- g. Planning and Zoning Minutes and Hearing Audio: July 8, 2025
- h. Planning and Zoning Minutes and Hearing Audio: July 16, 2025
- i. Planning and Zoning Commission Recommendation
- j. City Council Minutes and Hearing Audio: July 14, 2025
- k. City Council Minutes and Hearing Audio: July 28, 2025
- l. City Council Decision

24. In consideration of a combined preliminary and final plat subdivision the decision maker shall make the following findings:

GCC 8-5B-5: SUBDIVISION PROCESS: REQUIRED FINDINGS

Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X			<p>Finding 1. The subdivision is in conformance with the Comprehensive Plan.</p> <p>Explanation: As discussed in the staff report dated June 18, 2025, on pages 33-38:</p> <p>The proposed subdivision aligns with the Garden City Comprehensive Plan's land use designations, including "Residential Low Density," "Activity Node: Neighborhood Destination," and "Green Boulevard Corridor." The project supports goals such as Goal 6 (Diversity in Housing), Goal 10 (Plan for the Future), and Goal 12 (Evolve as a Destination) by providing a mix of housing types, supporting transit-oriented development, and enhancing pedestrian connectivity.</p> <p>Garden City's regional transportation planning includes the State Street Corridor Transit Oriented Development plan (State Street Corridor Study"). The State Street Corridor Study was adopted by the City (Res 1077-20) and is reference in the Comprehensive Plan which identifies the project location as a Neighborhood Destination Activity Node with proximity to a transit stop and encourages a new and distinctive neighborhood in the area.</p> <p>The density, design, and layout are consistent with the State Street Corridor TOD Plan and the Communities in Motion 2050 regional plan.</p> <p>The project's density of 13 dwelling units per acre, while slightly below the TOD minimum, is within a reasonable range for this designation and is supported by the</p>

		<p>flexibility allowed in the Specific Area Plan (SAP) code. The proposed three-story townhomes and internal pathway network support the intent of this designation.</p> <p>The project supports the transformation of State Street into a multimodal corridor by incorporating a detached sidewalk and a multi-use pathway along the State Street frontage. These improvements align with the corridor's goals of enhancing pedestrian and transit access, reducing reliance on single-occupancy vehicles, and improving the streetscape with landscaping and buffers.</p>
X		<p>Finding 2. The subdivision is in conformance with all applicable provisions of this title.</p> <p>Explanation: As discussed in the policy review, section H, pages 18-33 of the staff report, June 18, 2025, the application, for the most part is compliant with the applicable sections of code.</p> <p>As conditioned, the proposed subdivision complies with the applicable provisions of Garden City Code.</p> <p>While concerns were initially raised regarding GCC § 8-8A-3D-3.A.6.a, which requires forward-motion access onto streets, the Planning and Zoning Commission determined that this provision is intended to apply to larger parking areas and not to individual residential garages or driveways. Therefore, the design of the internal roadways, which allows vehicles to reverse from garages onto private streets, is consistent with the Commission interpretation of the code.</p> <p>Additionally, the absence of detached sidewalks along internal streets does not meet the requirements of GCC § 8-8A-3E-</p>

			<p>6. However, the Commission included a condition of approval requiring the applicant to install detached sidewalks in accordance with code standards.</p> <p>The City Council concurs with the Planning and Zoning Commission determinations.</p>
X			<p>Finding 3. Public services are available or can be made available; and are adequate to accommodate the proposed development.</p> <p>Explanation: There are public services available that can accommodate the proposed development so as long as the proposal provides access to the State Street and Pierce Park intersection.</p> <p>The City has notified the appropriate agencies and has not received any comments indicating an inability to serve the proposed development.</p>
X			<p>Finding 4. The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program.</p> <p>Explanation: The proposed subdivision does not conflict with any scheduled public improvements identified in the city's capital improvement program. The project includes improvements consistent with the State Street and Pierce Park Lane intersection redesign.</p>
X			<p>Finding 5. There is public financial capability of supporting services for the proposed development.</p> <p>Explanation: The city has the financial capacity to support the services required by the proposed development. Public services, including water, sewer, stormwater, and emergency access, are available or can</p>

			<p>be made available. Conditions of approval ensure that all infrastructure will be reviewed and approved prior to construction and final plat approval.</p>
X			<p>Finding 6. The development will not be detrimental to the public health, safety, or general welfare.</p> <p>Explanation: Matters of dispute that are discussed either within the staff report review, or by a member of the public are addressed below. The Planning and Zoning Commission reviewed each issue and concluded that no item in the record, including those in dispute, would be detrimental to the public health, safety, or general welfare of the community.</p> <p>1. Declaratory Judgement (application of the Plantation Master Association INC. CC&Rs): The declaratory judgement concerns that were raised are not a matter for the city. Idaho Rule of Civil Procedure 84(m) and Idaho Appellate Rule 13.4(c) authorize courts to issue such stays when necessary to preserve the status quo or ensure judicial efficiency. This has not been done, and therefore the declaratory judgement is a civil matter.</p> <p>2. Waterway Amenity: The question of whether the waterways are compliant can adequately be addressed through the condition of approval addressing this matter.</p> <p>3. Stormwater and drainage and floodplain regulation: It is a general requirement for all development that construction plans and building permits are reviewed to ensure that standards for stormwater and drainage as well as floodplain regulations are met.</p>

		<p>4. Noise: The construction will be subject to disturbing the peace regulations.</p> <p>5. Forward-Motion Parking Requirement: Although Garden City Code § 8-8A-3D-3.A.6.a requires forward-motion access onto streets, the Commission interpreted that this provision is intended for larger parking areas and not for individual residential garages or driveways.</p> <p>6. Sidewalk Noncompliance: The Commission determined that the internal roadways are classified as “private streets” due to the number of units served and the lack of alternative street frontage. While the original design lacks detached sidewalks along several internal streets, the Commission included a condition of approval requiring the applicant to install detached sidewalks in accordance with code standards. This condition ensures safe pedestrian circulation throughout the development.</p> <p>7. Fair Oaks Place Access: The proposed access measures to Fair Oaks Place are deemed sufficient to prevent public access.</p> <p>8. Developer’s lack of financial ability to construct the project. That the developer is an out of state developer: No evidence was presented indicating the developer lacks the financial capacity to complete the project as presented. The applicant testified during the hearing that Brighton is not based out of state. Regardless, there is no requirement that a developer be a resident of Idaho.</p> <p>9. Height Compliance Due to Fill: Building height is measured from the finished grade of the development, in accordance with standard practice.</p>
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		<p>10. Buffering of Existing Neighborhood: The Planning and Zoning Commission recommended a condition of approval requiring perimeter landscaping in compliance with code standards.</p> <p>11. Infrastructure Adequacy: Refer to Finding 3.</p> <p>The City Council concurs with the Planning and Zoning Commission's rational. They further found that the sidewalks as proposed as "option 1" satisfy the code required sidewalk requisites, and that trees planted at 1:40' provided that they are trees that will provide canopy coverage, satisfies the perimeter landscaping requirements.</p>
X		<p>Finding 7. The development preserves significant natural, scenic, or historic resources.</p> <p>Explanation: The proposed subdivision demonstrates an integration with the adjacent River Club Golf Course, which serves as a defining scenic feature of the area. Rather than enclosing the development with fencing or dense perimeter landscaping, the design maintains visual and physical openness to the golf course. The subdivision includes a 12-foot-wide landscape easement along the southern boundary, which, while not fully meeting the technical standards of GCC § 8-8A-3G-5, is meeting the intent of the River Club Specific Area Plan (SAP).</p> <p>The project also includes substantial open space, over 21% of the site, exceeding the 10% minimum required by GCC § 8-8A-3H-4.</p> <p>While the removal of mature trees was necessary to accommodate the subdivision, the applicant has submitted a tree mitigation plan in accordance with GCC § 8-8A-3G-7. The plan includes the</p>

			planting of 395 trees, and a condition of approval has been written requiring full mitigation of the 893 caliper inches subject to replacement, either through on-site planting or through the City's Tree Mitigation Fund Agreement.
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25. The record was reviewed in its entirety by the Garden City Council to render the decision.

CONCLUSIONS OF LAW

The Garden City Council reviewed the application with regard to the Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies** the required findings under GCC 8-5B-5.

CONDITIONS OF APPROVAL

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Garden City Council hereby does **SUSTAIN** the Planning and Zoning Commission's recommendations as modified and **APPROVES** Stateside Subdivision, application SUBFY2025-0002, for a Combined Preliminary and Final Plat Subdivision subject to the following conditions:

Prior to City Signature on Plat:

1. The final plat shall be in conformance with this approval as reviewed and approved or otherwise conditioned through this approval.
2. A note must be provided on the final plat documenting:
 - a. The current flood zone in which the property or properties are located;
 - b. FEMA FIRM panel(s), FIRM effective date(s), flood zone(s), base flood elevation(s); and
 - c. A note: "Flood zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by this code."
 - d. The boundary line must be drawn on the plat in situations where two (2) or more flood zones intersect over the property or properties being surveyed.
3. Easements:
 - a. As required by the City Engineer or this decision easements shall be provided.
 - b. All easements must be noted on the plat either directly or by instrument number (generally preferred method) or otherwise recorded.
 - c. Easements shall define the grantee and adequate information to depict the location of the easement such as a legal description and illustration.
 - d. Easements shall be unobstructed unless otherwise specified.

- e. At a minimum, the following easements shall be provided:
 - i. Public utilities
 - ii. Water and sewer
 - 1. If not otherwise designated by the City Engineer the total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
 - iii. Drainage
 - iv. Public connections to and from the public rights-of-ways (excluding North Fair Oaks Place) and pathways, including but not limited to users of Plantation Drive connecting to State Street
 - v. Public 12-foot-wide, for a minimally 10-foot-wide concrete multi-use (bicycle and pedestrian) pathway along State Street
 - vi. Public 12-foot-wide multi-use pathway along the southern boundary line (for connection to the other sub-districts)
 - 1. The term publicly accessible shall be defined to mean that the easement shall be perpetual and allow for public access with minor identified exceptions such as closures after customary travel hours.
 - vii. Private streets - Perpetual ingress/egress easement that provides access to all applicable parcels
- 4. Provide a note on the final plat to read, "Building setback lines shall be in accordance with the approved subdivision application, Garden City file number SUBFY2025-0002, and Garden City Code 8-8A Residences At River Club Specific Area Code".
- 5. Common Lots:
 - a. All common open spaces and areas shall be located on common lots, or easements, and noted as unbuildable on the plat.
 - b. All private streets shall be located on common lots.
 - c. Lots 5, 14, 19, 96, 124, and 140 shall be considered common lots.
- 6. A binding contract that establishes the party or parties responsible for the repair and maintenance of the common lots including regulations for the funding shall be recorded with a final plat. No building permit shall be issued until the contract has been recorded.
- 7. Fencing shall be prohibited on all private and common lots within the subdivision, except where specifically identified in the approved development plans as authorized by the City. This restriction shall be recorded in the subdivision's Covenants, Conditions, and Restrictions (CC&Rs) and shall be enforceable by the homeowners' association or other governing entity.

8. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho."
9. The CC&Rs shall include a provision stating that "The homeowners' association may not be dissolved without the prior written consent of the City of Garden City, Idaho."
10. The CC&Rs shall include a provision requiring that garages be maintained in a manner that ensures they remain available for the parking of motor vehicles by the occupants of the associated dwelling unit.
11. The CC&Rs shall include a provision stating that all pedestrian lighting fixtures shall be maintained in good working order and shall remain operational during evening and nighttime hours.
12. The CC&Rs shall include a provision stating that solar collectors, alternative surfaces (e.g., vegetated roofs, pervious pavement, grid pavers) and nonstructural techniques (e.g., rain gardens, vegetated swales, rainwater recycling) are all permitted techniques to reduce imperviousness and promote infiltration within the subdivision.

Prior to approval of construction plans:

1. The site plan and subsequent construction shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. A Floodplain development permit is required.
3. Landscaping:
 - a. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - b. The development shall mitigate for all tree caliper inches removed from the site in accordance with Garden City Code 8-8A-3G-7.
 - i. Mitigation shall be provided at a 1:1 caliper inch replacement ratio, up to 100% of the total caliper inches lost.
 - ii. Mitigation trees shall be planted in addition to all other landscaping requirements, including but not limited to street trees, frontage trees, perimeter landscaping, and parking lot trees, as outlined in Garden City Code §8-8A-3G-7.
 - iii. All mitigation trees shall be a minimum of 2-inch caliper at the time of planting, unless otherwise approved by the Planning Official.
 - iv. If the applicant is unable to plant the full number of mitigation trees on-site due to space or design constraints, the applicant may enter into a Tree Mitigation Fund Agreement with the City.
 - v. A new landscape exhibit shall be submitted prior to construction.

The plan must clearly identify:

1. All mitigation trees and their caliper sizes

- 2. All required landscaping trees (street, frontage, perimeter, parking lot)
- 3. A tree mitigation fund agreement, and landscape plan associated with the Golf Course
- c. A minimum of one (1) Class II or Class III tree shall be planted at the front of the structure. For the purposes of this condition, the entire cluster of physically connected Dwelling Units (DUs), such as townhomes, shall be treated as a single structure.
- d. One (1) additional Class II or Class III tree shall be planted facing each adjacent right-of-way (ROW), including but not limited to:
 - i. Primary street frontage
 - ii. Side streets (for the corner lots)
 - iii. Adjacent alleys or lanes (including rear-facing ROWs)
 - iv. Both public and private ROWs qualify under this requirement.
- e. One (1) Class I tree shall be planted within the corresponding setback area for every fifty feet (50') of linear frontage. The frontage shall be measured along the side of the structure that serves as the primary access point. If a pedestrian pathway is designated as the primary access, the frontage shall be measured along that pathway, and the Class I trees shall be planted within the corresponding setback along that frontage.
- f. Unified Landscape Plan Required: Prior to the issuance of any building permits for lots adjacent to the golf course, the applicant shall submit a comprehensive landscape plan for the 12-foot landscape easement that:
 - i. Meets the standards of GCC 8-8A-3G-5(C), including:
 - 1. Minimum 10' width
 - 2. 6' wide and 6' tall vegetative screen at maturity
 - 3. One tree per 40 linear feet
 - 4. Demonstrates continuity and visual cohesion across all affected lots.
 - g. Landscape islands shall include at least one tree at the beginning and end of each parking row, in accordance with standard site design requirements. However, where a gravity irrigation easement exists and prohibits the planting of trees, this requirement shall be waived for the affected landscape islands. In such cases, the applicant shall provide alternative landscaping treatments (e.g., shrubs, groundcover, or decorative hardscape) within the easement area to maintain visual interest and site aesthetics, subject to review and approval by the Planning Department.
 - h. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-8A-3G and as shown in the approved landscape plans.
 - i. Required landscape areas shall be at least forty percent (40%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.

- j. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways, and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
- k. All plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
- l. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
- m. The landscaping plan may be amended, and reviewed at a staff level, to ensure compliance with Garden City Code 8-8A-3G Landscape and Tree Protection Provisions, and 8-8A-3H Open Space Provisions provided that there is equal or greater landscaping provided and no reduction in tree canopy. All other changes to landscaping must be approved by the Design Review Consultants or decision maker.

4. Pressurized irrigation shall be provided in conformance with Garden City Code 8-5A-5H. Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.

5. All light fixtures within the subdivision must be compliant with Garden City Code 8-8A3A-4 Outdoor Lighting.

- a. Pedestrian Pathway Lighting:
 - i. A revised site lighting plan shall be submitted for review and approval. The plan shall demonstrate consistent and adequate illumination along all pedestrian pathways throughout the development, including but not limited to shared walkways, common areas, and access routes between lots.
 - ii. The lighting plan shall incorporate a combination of pedestrian-scale lighting fixtures such as bollard lights, pole-mounted pathway lights, or recessed step/pathway lighting. Fixtures shall be compliant with dark sky standards; designed to minimize glare and light pollution and shall maintain a consistent color temperature for visual comfort and safety.
 - iii. Lighting fixtures shall be spaced and positioned to ensure continuous illumination with no significant dark spots along pedestrian routes. The plan shall include photometric analysis or diagrams demonstrating adequate light levels across all pedestrian areas.
 - iv. Lighting shall be integrated with the site's landscaping and architectural features.

6. At least one streetlight is required along W. State Street. The developer shall work with the City's Public Works Department and Ada County Highway District to ensure adequate lighting is provided along W. State Street.
7. All utilities for a new structure shall be installed underground. For the purposes of this section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services. All development shall be connected to the Garden City water and sewer systems.
8. Drain Relocation:
 - a. The irrigation drain may be rerouted as approved. The southern portion may be piped where it conflicts with site improvements; the rest shall remain open.
 - b. Permission from the off-site property owner (River Club Golf Course) allowing the construction of the off-site improvement and relocation of the drain shall be provided.
 - c. If the drainage district or property owner does not permit the use of the drain as an amenity, an alternative feature that equally enhances the linear park, as identified in the SAPFY2023-0001 Master Plan, shall be provided. This alternative must be reviewed and approved by the Development Services Department.
9. To enhance pedestrian visibility and safety within the development, all internal pedestrian street crossings shall be designed with enhanced features. These enhancements shall include at minimum, but are not limited to:
 - a. Increased crossing width to improve pedestrian comfort and visibility; and
 - b. Raised crosswalks to calm vehicular traffic and emphasize pedestrian priority; and
 - c. Use of contrasting hardscape materials to clearly delineate pedestrian zones; and
 - d. Additional crossing width where appropriate to accommodate higher pedestrian volumes or improve accessibility.
 - e. All pedestrian pathway crossings that traverse the alley shall be directly aligned with the corresponding pathway on the other side.
 - f. Final design details shall be subject to review and approval by the Planning Official, and all modifications shall meet the intent of the comments made by Design Review Consultants.
10. Additional traffic calming measures shall be incorporated along internal streets to reduce vehicle speeds and enhance pedestrian safety.
11. The streets shall provide street names and stop signage.
12. "Option 1" presented to the City Council during the July 28, 2025 hearing is adequate to meet the standards set forth in Garden City Code 8-8A-3E-6 Sidewalk Standards.

13. All sidewalks and public pathways shall be designed and constructed to project boundaries so that they facilitate future connections.
14. A 10-foot-wide multi-use pathway shall be provided along State Street consistent with Garden City Code and Ada County Highway District requirements.
15. All stormwater systems shall comply with Garden City Code 8-8A-3A-7.
 - a. All drainage shall be retained on site;
 - b. All comments made by the City Engineer regarding site grading and drainage plan(s) and a Storm Water Operation and Management Agreement shall be resolved prior to civil plan approval.
16. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications, and ordinances.

Prior to the approval and issuance of building permits for structures:

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. Glazing shall be added to the garage doors to better meet the intent of GCC 8-8A-3B-3, as shown in the June 5, 2025, architectural renderings.
3. The floorplans shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
4. Universal design units shall incorporate features that enhance accessibility and usability for all individuals, including but not limited to: elevator-ready layouts, doorways with a minimum width of 32–36 inches, hallways with a minimum width of 36–42 inches, lever-style door handles, rocker light switches, reduced upper kitchen cabinetry, and open floor plans. Compliance with this condition shall be demonstrated at the time of building permit submittal.
5. Vehicular Parking:
 - a. Parking spaces shall be a minimum of 8.5'x18';
 - b. The guest parking shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
6. All structures shall adhere to the requirements of GCC 8-4H Flood Hazard should the FEMA flood insurance maps be updated prior to building permit submittal.
7. All structures that are not in the regulatory floodplain, but are anticipated to be in the floodplain per the FEMA Flood Insurance Study of 2020, except for those dedicated solely to storage, access, or parking, and utilities thereof, shall be built

with the lowest floor at or above the anticipated base flood elevation, refer to Garden City resolution 1083-20.

- a. An elevation certificate shall be submitted to the City verifying compliance with this condition.
8. The subdivision must obtain Ada County Approved addresses for all new lots prior to the submittal of a building permit.
9. A temporary fire rated road shall be provided to Pierce Park Lane Intersection. This temporary road shall be available to the east subdistrict development until the central subdistrict is redeveloped, and a permanent roadway is installed.
10. All HVAC systems and outdoor service and equipment areas shall be identified in building plans for permit review and screened to be compliant with Garden City Code 8-8A-3A-5 Outdoor Service and Equipment Areas. Screening of these areas shall occur prior to a certificate of occupancy being issued.

For the Duration of the Use:

1. Construction noise that is disruptive to the neighborhood shall be limited to Monday through Saturday from 7:00 am to 8:00 pm unless residents within 300' and the city have been notified in advance of the specific days which it will be necessary to exceed this limitation.
2. All streets and driveways shall adhere to the standards of a clear vision triangle.
3. Landscaping:
 - a. The property owner is responsible for the maintenance of all landscaping and screening devices required unless otherwise noted in the CC&Rs.
 - b. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem.
 - c. Dead plant materials shall be replaced equal or larger species.
 - d. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
 - e. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
 - f. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
 - g. The landscape installation shall stabilize all soil and slopes.
4. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.

5. The subdivision shall maintain all open spaces in accordance with Garden City Code 8-18A-1B Property Maintenance Provisions as well as Garden City Code 8-8A-3H Open Space Provisions.
 - a. The common open spaces shall not be altered or eliminated by individual property owners.
6. Fencing shall be prohibited on all private and common lots within the subdivision, except where specifically identified in the approved development plans as authorized by the City.
7. Solar collectors, alternative surfaces (e.g., vegetated roofs, pervious pavement, grid pavers) and nonstructural techniques (e.g., rain gardens, vegetated swales, rainwater recycling) are all permitted techniques to reduce imperviousness and promote infiltration within the subdivision.

General:

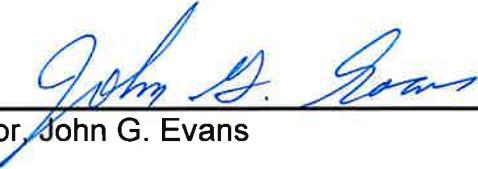
1. This approval is for a combined preliminary and final plat for a residential subdivision encompassing 140 lots – 134 lots are to be designated for residential use and 6 lots are to be designated as common lots.
2. The proposed residential density of 13 dwelling units per acre falls below the minimum required 14 dwelling units per acre for the Transit-Oriented Development (TOD) Node. Pursuant to Garden City Code § 8-8A-2B-1.F, the applicant shall transfer the equivalent of 10 dwelling units to either the west or central sub-district, as permitted by the Code. Said transfer shall be documented and submitted to the City for review and approval concurrently with the submittal of any development application for the receiving sub-district.
3. This approval is based on the following:
 - a. Landscape Plan submitted on June 6, 2025, stamped and signed on May 28, 2025;
 - b. Specific use tree exhibit sheet EX2.0 submitted on June 6, 2025, dated February 3, 2025;
 - c. Tree mitigation plan and letter submitted June 6, 2025, dated May 30th, 2025;
 - d. Open Space exhibit submitted on June 6, 2026, date May 28, 2025;
 - e. The River Club Drain Reroute – Gravity Irrigation Plan, submitted June 6, 2025, stamped and signed on April 25, 2025;
 - f. Preliminary Plat, submitted May 6, 2025, stamped and signed on May 6, 2025;
 - g. Final Plat submitted on June 6, 2025, stamped and signed on May 28, 2025
 - h. Floor Plans and schematic drawings submitted on February 10, 2025, dated January 27, 2025;
 - i. Architectural renderings submitted as part of the applicant's response letter on June 6, 2025

- j. Architectural renderings submitted on March 18, 2025,
- 4. RECOMMENDATION: As of the date of this writing, the Federal Emergency Management Agency has issued Digital Federal Insurance Rate Maps (DFIRM) which identifies Garden City in seclusion. The most current flood mapping model proposes to delineate the subject properties to be within the 100-year Floodplain once the seclusion is lifted. The applicant should consider that any new structures must have the top of the lowest floor 2' above BFE (as defined by adopted FIRM) pursuant to current Garden City Code. This approval is conditioned that structures at least to at or above the anticipated BFE. Stricter standards may be required in the future for building permit approvals if the floodplain is updated.
- 5. The applicant shall comply with all requirements of the reviewing entities.
- 6. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis of this application or not.
- 7. Approval of the subdivision does not constitute as the approval for any uses.
- 8. The approved addresses and a copy of the recorded plat must be provided to the city prior to the city considering the subdivision complete.
- 9. The approval is specific to the application provided and reviewed.
- 10. This approval is for this application only. Nothing in the River Club SAP district code shall eliminate the need for obtaining any other required permits, including, but not limited to: building permits, plumbing, electrical, or mechanical permits; erosion control, sediment control; occupancy permit; or any permit, approval, or entitlement required by other titles of Garden City code, other political subdivisions of the state of Idaho, or agencies of the state of Idaho. Additional permits, licenses, and approvals may be necessary. All other applicable permits must be obtained.
- 11. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
- 12. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction and recordation of the final plat. Any changes to the plans and specifications upon which this approval is based, other than those required by the conditions noted in

this decision, will require submittal of an application for modification and approval of that application prior to commencing any change. Final approval is based on conformance with the plans reviewed and approved.

13. Any changes to the design of this project shall be reviewed by the Design Review Committee for compliance with Garden City Code. Other changes that are not in conformance with the approval shall be remanded to the decision-making body.
14. No public board, agency, Commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Title until final plat has received the approval by the Council.
15. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing any permits or signing the final plat.
16. In the event that an applicant and/or owner cannot complete the non-life, safety, and health improvements, within the time specified in the final subdivision approval or prior to occupancy, the City may require a surety agreement in accordance Garden City Code. Unless financial guarantees of improvement completion have been accomplished, no approval of the final subdivision or recording thereof shall be permitted unless the applicant provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.
17. The Development Services Director may enter into a restricted build agreement on the City's behalf, provided the agreement is compliant with the approved restricted build agreement policies.
18. This approval shall expire two (2) years from its approval, unless otherwise extended as allowed by Garden City Code.
19. Approval shall become null and void if the applicant fails to record a final subdivision within two (2) years of the approval. If the timetable is not met and the applicant does not receive a time extension, the application will expire and become null and void.
20. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.
21. Action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.

22. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
23. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the action and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
24. A takings analysis pursuant to Idaho Code may be requested on final decisions.
25. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.



Mayor John G. Evans

July 28, 2025

Date

BEFORE THE GARDEN CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	SAPFY2023-0001
)	
)	
Specific Area Plan:	)	AMENDED
The Residences at River Club	)	FINDINGS OF FACT
6515 State Street	)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho	)	AND DECISION
)	

THIS MATTER came before the Garden City City Council for consideration on 6/12/2023 6/26/2023, 7/10/2023, and 8/14/23. The Garden City City Council reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The application is for a Specific Area Plan.
2. The applicant is Trevor Nicoll with LPC West, Inc.
3. The subject property owner of record is LB River Club Owner LLC.
4. The applicant has provided *prima facie* evidence, through the Delegation of Authority and other documentation, of ownership and control of the property.
5. The location of the project is for a portion of the property addressed as 6515 W. State Street, Garden City, Idaho 83714; Taxing Parcel Numbers: S0630223350 and S0630212910; The property is described by the Ada County Assessor's Office as Parcel S0630212910 @ NE4NW4 in TCA 06-15 Section 30 4N 2E; and Parcel S0630223350 of Sec 24-25 & 30 Lots 2-3 4N2E & Lots 2-3 Block 4 Plantation Subdivision #1 #222680C #244315C S0630212900C S0525110106C S0619336570C R7100400583C R7100400605C.
6. The subject property includes roughly 22 acres of the 100.72-acre parcels.
7. The subject property is in the R-2 Low Density Residential Zoning District.
8. The subject property is in the Activity Node: Neighborhood Destination, Green Boulevard Corridor, Residential Low Density, Future Park/ Open Space designations of the Comprehensive Plan Future Land Use Map.

9. The following sections of the Garden City Development Code are added or amended by this proposal:
 - a. 8-2A-2 Official Zoning Map
 - b. 8-8 Specific Area Plans
 - c. 8-8A The Residences at River Club District
10. There has been no denial of any application in the same form for the same use on this property within one year.
11. The following sections of the Garden City Development Code apply to this proposal:
 - a. Garden City Code 8-1A-4: General Regulations, Applicability
 - b. Garden City Code 8-2A-2: Official Zoning Map
 - c. Garden City Code 8-6A: Administration
 - d. Garden City Code 8-6B-6: Specific Area Plan
12. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information		
Provided		
Yes	No	Waived
X		Compliance Statement
X		Preliminary Title Report
X		Neighborhood Map
X		Master Plan
	X	Site Plan
X		Topographic Survey
X		Natural Hazards and Resource Analysis
	X	Dedications and Easements
	X**	Verification that address is an Ada County Approved Address*

*Items that are waived may be required for review at a later date.

**Addresses for the subject property will need to be submitted once they are provided by Ada County.

13. The application includes additional documentation to that which is required by the Garden City Code. All submitted application documents are a part of the record.
14. On December 30, 2022, the application was determined as complete and accepted.
15. The following noticing was completed in accordance with GCC 8-6A-7¹:

¹ The noticing was conducted for all hearings and the dates correspond to the first hearing date.

Noticing Requirement	Required Date	Completion Date
Neighborhood Meeting	12/20/2022	10/25/2022
Radius Notice	2/28/2023	12/30/2022
Legal Notice	2/28/2023	1/3/2023
Agency Notice	2/28/2023	12/29/2022
On site	3/5/2023	3/2/2023

a. Public notice was posted at Garden City Hall, the Garden City Police Department, and Garden City Fred Meyer on 12/30/2022.

b. Interested parties have emailed notices and updates.

16. The agendas were posted in the Garden City lobby and on the Garden City website in accordance with Idaho Code 74-204.

17. Additional noticing was provided:

- a. On the Garden City Next Door site
- b. On the Garden City website

18. Agency Comments were received from:

- a. City Engineer 1/8/2023
- b. DEQ 1/5/2023
- c. VRT 2/13/2023
- d. Design Review Consultant Derek Hurd 2/24/2023, 03/10/2023, & 05/26/2023
- e. Design Review Consultant Bret Labrie 2/24/2023, 03/10/2023, & 05/26/2023
- f. Boise School District 03/10/2023 & 05/08/2023
- g. Ada County Highway District 04/17/2023 and 04/27/2023
- h. City of Boise 03/15/2023

19. Written Public Comments received on or before June 5, 2023, were received from:

In Favor

a. Jerry Ochofield	n. Steve and Cathleen Aikman
b. Patricia Perkins	o. Glenn and Viktoria Elam
c. Mike Nero	p. Dick and Janelle Curtis
d. Janice & Bob Wilcox	q. Steve and Terry Selekof
e. Tom Donahoe	r. Adam and Andrea Krueger
f. Tyler McReynolds	s. Mark and Christina Johnson
g. Scott White	t. Sheryl Scott
h. Joyce and John Raudabaugh	u. Brian Marsh
i. Lou and Gerre Pagano	v. Rick York
j. Nancy Cenell	w. Naney Marsh
k. Save Plantation Coalition	x. Robert DeBolt
l. Craig Fenwick	y. Jeff Cliff
m. Joe and Audrey Leaf	z. Vicki Malloy
	aa. Terri Nero

bb.	Bruce & Jean Christensen	m.	Bob Schmellick
cc.	Andrew Johnson	n.	Janelle Curtis
dd.	Kristen Colter	o.	Lynn Livingston
ee.	Anne & Bill Connors	p.	Art & Cynthia Peavey
ff.	Deanna Turner	q.	Anthony Cardoni
gg.	Brent Pipal	r.	Gail & Ted Neil
hh.	Jason Dobis	s.	Riley Hickox
ii.	Joyce & John Raudabaugh	t.	Lou & Gerre Pagano (retracted)
jj.	Will Gustafson	u.	Kathy Clancy
kk.	Dennis Huston	v.	Colleen Lambertz & Mary Jo Nybald
ll.	Karen Buich	w.	Mary & Rod Berkshire
mm.	Marty Pieroni	x.	David Leroy
nn.	Kristina Lawcynell	y.	Robert Bennett
oo.	Nathan Lawcynell	z.	Debra Riedel
pp.	Leslie Sand	aa.	Jon Bolt
qq.	Robert and Janet Bennett	bb.	Ron Wilper
rr.	Marcia Bleymaier	cc.	Rita & Bob Franklin
ss.	Garden City Visitors Bureau	dd.	Jim Classen
tt.	Briana and Doug Werner	ee.	David Rae
uu.	Travis Young	ff.	Marilee Pospahala
vv.	Bob Running	gg.	Parker & Gretchen Massman
ww.	Mark Johnson	hh.	Mary Ann Cook
xx.	Dick Curtis	ii.	'Save Plantation Coalition'
yy.	Kevin Helmick	jj.	Bruce Moore
zz.	Tom Donahoe	kk.	Andrea Fogelman
aaa.	Riely Hickox- Retracted	ll.	Eric Fogelman

Neutral or Unknown

a. Curt and Linda Blake

Opposed

a.	Pat Pettiette	pp.	Irene Latta
b.	Kathleen Ross	qq.	Kathleen Klokke
c.	Mark & Alana Annese	rr.	Patricia Hendrick
d.	Marilyn & Louis Stoddard	ss.	Rhea Hirsch
e.	Kelly Holzscheiter & Brently Bird	tt.	Susan Troyer
f.	Dr. Michael & Marty Downey	uu.	Chris Niebrand
g.	Claudia & Jim Foltz	vv.	Margaret Henbest
h.	Nick & Alicia Sullivan	ww.	Virginia Morris
i.	Dr. Ron & Carol Reagan	xx.	Hildegarde Ayer
j.	Carmen & Larry Westberg	yy.	Susan Halen
k.	David Patterson	zz.	Liz Lanvin
l.	Dan & Betty Hollar	aaa.	Sue Evancho
		bbb.	Lu Northrup
		ccc.	Gary Crupper

ddd.	Joan Lang	xxxx.	Barbara Keubs
eee.	Diane Dann	yyyy.	Marilyn Farneman
fff.	Joy Kemper	zzzz.	Mary Ann Murdoch
ggg.	June Knowlton	aaaaa.	Barbara Emery
hhh.	LaVerne Thatcher	bbbb.	Carolyn Gill
iii.	Carol Crupper	cccc.	Neva Pastlethwait
jjj.	Pete Edmonds	ddddd.	Rebecca Wald
kkk.	Robert Jue	eeee.	Patricia Warner
III.	Roger Ivie		
mmm.	Jerry & Gerrie Sly		
nnn.	Kathleen Klokke		
ooo.	Lawrence Campbell		
ppp.	Susan Troyer		
qqq.	John Atwater		
rrr.	LouAnn McKay		
sss.	Peter Snowden		
ttt.	Wilfred Lemon		
uuu.	Winnie Morton		
vvv.	Gretchen Massman		
www.	Parker Massman		
xxx.	Kathleen Grover		
yyy.	Tina Ellis		
zzz.	Richard English		
aaaa.	Sharon Grisham		
bbbb.	Paul Westberg Dorothy Raney		
cccc.	Karen Schneider		
ddddd.	Norbert Dekerchove		
eeee.	Thyne Murdoch		
ffff.	Bob Punbeck		
gggg.	David Patterson		
hhhh.	Edward Altian		
iiii.	Heidi Pearson		
jjjj.	Louis Stallman		
kkkk.	Alexander Robinson		
llll.	Michael Thiry		
mmmm.	Art Peavy		
nnnn.	Margaret Henbest		
oooo.	M.J. Byrne		
pppp.	Jeanne Patterson		
qqqq.	Pierce Roan		
rrrr.	Donna Schlagel		
ssss.	Edwina Lysinger		
tttt.	Josephine Santillanes		
uuuu.	Jeraldine Cunningham		
vvvv.	Robyn Zimmerman		
www.	Carol Bower		

20. On March 15, 2023, a public hearing before the Garden City Planning and Zoning Commission was scheduled:
 - a. The hearing was continued to a date certain of April 27, 2023.
21. On March 27, 2023, a public hearing before the City Council was scheduled:
 - a. The hearing was continued to a date certain of May 22, 2023.
22. On April 27, 2023, a public hearing before the Garden City Planning and Zoning Commission was held:
 - a. Chairman Rasmussen introduced the application.
 - i. It was noted that the application is quasi-judicial.
 - ii. Commissioner Brown provided disclosures and noted that he lives in the neighborhood and sits on the Plantation Master Association. He indicated that he had been careful not to discuss this matter. He has recused himself and was not present when the item was discussed with the Plantation Master Association. He has answered some procedural questions. He stated that he does not have a conflict of interest.
 - iii. It was noted for the record that Commissioner Wilde had recused himself and was not present.
 - iv. Commissioners Montoya, Shepard, and Rassmussen all noted that they had not had any ex parte communication and that they do not have conflict.
 - v. The order of hearing was noted.
 - vi. The time limitation exceptions were noted for the record.
 - vii. The rules of conduct were reviewed.
 - b. The applicant presented the application. The applicant team included:
 - i. Will Gustafson
 - ii. Jenny Pham
 - iii. JoAnn Butler
 - iv. Bob Taunton
 - v. Brian Perkins
 - vi. John Ringard
 - c. Jenah Thornborrow provided a staff report.
 - d. Public testimony was received from:

In Favor

- i. Tom Donahoe as a spokesperson for:
 - a. Rachel Bikerton
- ii. Dick Curtis
- iii. Patricia (Patty) Perkins
- iv. Mark Johnson

Opposed

- i. David Leroy as a spokesperson for:
 - a. Russell Ford

- b. Colleen Lambert
 - c. Jeanne Patterson
 - d. Pierce Roan
 - ii. Ron Bush as a spokesperson for:
 - a. Mary Jo Nybald
 - b. Sandra Ford
 - c. Ben Doty
 - d. Eric Fogelman
 - iii. Pat Pettiette
 - a. M.J. Byrne
 - iv. John Livingston as a spokesperson for
 - a. Lynn Livingston
 - v. Barry Klezmer as a spokesperson for:
 - a. Steven Sterns
 - b. Andre Diaz
 - vi. Paul Schmellick as a spokesperson for:
 - a. David Patterson
 - b. Edward Altaan
 - vii. Pete Edmonds
 - viii. Dan Hollar
 - ix. Karen Houser
 - x. Kelly Hollshetter
 - xi. Alexander Robinsen
 - xii. Margaret Henbest
 - xiii. Andrea Fogelman
- e. There were no additional members of the public present at the hearing that requested to provide public testimony.
- f. Commissioner Brown noted that he will not be present during the next regularly scheduled Planning and Zoning Commission meeting scheduled for May 17, 2023.
- g. Commissioner Brown moved to continue the public hearing until a date certain of May 24, 2023, at 5:30 pm.
- h. Commissioner Montoya seconded the motion.
- i. The motion passed on a 4/0 vote.

23. On May 22, 2023, a public hearing before the City Council was scheduled:

- a. The hearing was continued to a date certain of June 12, 2023.

24. On May 24, 2023, a public hearing before the Garden City Planning and Zoning Commission was held:

- a. Chairman Rasmussen introduced the application.
 - i. The chairman noted that public testimony is to be limited to only the new matter of the applicant's proposal to add a condition of approval to amend the East Sub-district to remove 7 townhomes and increase the setbacks.

- b. The applicant JoAnn Butler presented the proposed condition of approval to amend the Master Plan to the application.
- c. Public testimony was received from:

In Favor

- i. Mark Johnson

Opposed

- i. John Livingston as a spokesperson for
 - a. Debra Riedel
 - b. Eric Fogleman
 - c. Andrea Fogelman
- ii. Tina Ellis as a spokesperson for
 - a. Barry Klezmer
- iii. Ron Bush as a spokesperson for:
 - a. Edward Altaan
 - b. Pat Pettiette
 - c. Dorie Pettiette

Ron Bush indicated that he wished that the inability to discuss property ownership is a violation of his due process.

This was formally noted by city attorney, Charles Wadams, that this is noted in the record.

- iv. David Leroy as a spokesperson for:
 - a. Gretchen Massman
 - b. Parker Massman
 - d. Bob Schmellick
 - e. M.J. Byrne
 - f. Clarice Schmellick
 - g. David Patterson

xiv. Dan Hollar

- d. There were no additional members of the public present at the hearing who requested to provide public testimony.
- e. The applicant, JoAnn Butler and Bob Taunton provided a rebuttal.
- f. The Commission called upon staff, Jenah Thornborrow, for questioning.
- g. The public testimony was closed.
- h. The Commission deliberated.
- i. All members of the Commission found that the revised documentation was not a substantial change to the application.
- j. Vice Chair Brown moved to recommend approval and adopt the draft findings of fact, conclusions of law in the affirmative, and conditions of

approval including the applicant's requested revisions except for deletion of conditions of conditions 3, 4, 5, and 11 a.

- k. Commissioner Shepard seconded the motion.
- l. The motion passed on a 4/0 vote.

25. On June 12, 2023, a public hearing before the Garden City Council was held:

- a. Mayor Evans introduced the application and addressed rules of conduct.
- b. No Member of the City Council or Mayor had any disclosures related to conflict of interest or *ex parte* communication.
- c. The applicant presented the application. The applicant team included:
 - i. Will Gustafson
 - ii. Jenny Pham
 - iii. Brian Perkins
 - iv. JoAnn Butler
 - v. Bob Taunton
- d. Jenah Thornborrow provided a staff review.
- e. Public testimony was received by:
 - i. Opposition
 - a. David Leroy - Spokesperson representing Livingstons, Pattersons, and Schmellicks speaking for Ben Doty, David Stackofsky, Byrne M.J., Edward W. Altian, Pat Pettiette, Grey Contos, Louis Stoddard
 - b. Virginia Morris
 - c. John W Longhurst
 - d. Reci Schmellick
 - e. Dan Hollar- Spokesperson for Betty Hollar, Eric Fogleman
 - f. Kathleen Grover
 - g. John Livingston- Spokesperson for Lynn Livingston
 - h. Andrea Fogleman-Spokesperson for Bob Schmellick - no testimony
 - i. Ronald Bush- Spokesperson for Debra Riedel, testimony read by Debra Riedel
 - j. Tina Ellis Spokesperson for Barbara Lee
 - k. David Patterson Spokesperson for Louis Stoddard , Mark Annese, Alana Annese, Jeanne Patterson, Parker Massman and Gretchen Massman
 - l. Dan Harrington
 - m. Larry Closerwher
 - n. Michael Thiry did not testify.
 - o. Brently Bird did not testify.
 - p. Philip Gordon did not testify.
 - q. Kelly Holzscheiter did not testify.
 - r. Kent Johnson did not testify.
 - s. Steven Sterns, Spokesperson for Sharon Grisham did not testify.
 - t. Barry Klezmer, Spokesperson for Marc Vance did not testify.

- ii. In Favor
 - a. Tom Donahoe – did not testify.
 - b. Janelle Curtis
 - c. Charles Schoefield
 - d. Mike Nero- did not testify.
 - e. Crissy Kojima - President of Pierce Park Neighborhood Association
- iii. Neutral
 - a. Willford Lemon did not testify.
 - b. Pierce Roan on behalf of Plantation Master's Association
 - f. There was no one else present who indicated that they wished to provide testimony.
 - g. Public hearing continued to the date of June 26, 2023 for rebuttal and deliberation.

26. On June 26, 2023, the public hearing before the Garden City Council was held.

- a. Matters of process were addressed:
 - i. Council Member Heller noted that he lives on Sterling in the Plantation Subdivisions. He noted that he does not have an economic conflict of interest and has not had substantive ex parte communication to disclose.
 - ii. Upon inquiry, no other members of the Council or Mayor had substantive Ex Parte communications or a conflict of interest.
 - iii. Untimely public comments were noted. The Council determined that they will not be a part of the record.
 - iv. City attorney, Charles Wadams indicated that he had provided a memorandum and suggested reasoned statements for the draft decisions document. He noted that the statements were not a recommendation for approval, but rather examples of a sound reasoned statement.
- b. The applicant's representatives Bob Taunton and JoAnn Buttler provided the rebuttal.
- c. The Council deliberated.
- d. The public hearing was closed.
- e. Council President Page moved to approve the application in accordance with the Planning and Zoning Commission recommendation including the draft findings of fact, conclusions of law, and conditions of approval with the following amendments:
 - i. Include suggested reasoned statements.
 - ii. Eliminate the requirement to provide bicycle and pedestrian access to Fair Oaks Place.
 - iii. The area shown in the rebuttal presentation, referred to as exhibit A during the hearing shall be restricted to a height of 35.
- f. Councilmember Jorgenson seconded the motion.
- g. The motion passed on a 4/0 vote.

27. The Council approved the written decision on July 10, 2023. On August 14, 2023, after a request for reconsideration was submitted by Dave Leroy, and pursuant to stipulation between Dave Leroy and the applicant, the Council approved this Amended Findings of Fact, Conclusions of Law, and Decision to clarify the decision.

28. The record contains:

- a. Application and application materials
- b. Noticing Documents
- c. Agency Comments
- d. Design Review Consultant Recommendations
- e. Public Comments
- f. Staff Report
- g. Planning and Zoning Commission Recommendation
- h. Planning and Zoning Commission Minutes and audio: February 15, 2023; March 15, 2023; April 27, 2023; May 24, 2023
- i. City Council Decision
- j. City Council Minutes and audio: June 12, 2023, June 26, 2023, July 10, 2023, and August 14, 2023.

29. In consideration of a Specific Area Plan the decision maker shall make the following findings:

GCC 8-6B-6: SPECIFIC AREA PLAN: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			<p>Finding 1. The SAP application, as conditioned, is consistent with the city comprehensive plan, as amended, including the future land use map and the land use planning area guidelines and land use designations, if applicable.</p> <p>Reasoned Statement:</p> <p>The application is in accord with the city Comprehensive Plan including the Future Land Use Map and the land use planning area guidelines and land use designations.</p> <p>Goals</p> <ul style="list-style-type: none"> • 1 Nurture the City • 2 Improve the City Image • 6 Diversity in Housing • 10 Plan for the Future

		<ul style="list-style-type: none"> • 11 Serve the City • 12 Evolve as a Destination 	<p>Objectives and Action Steps</p> <ul style="list-style-type: none"> • Amend the Land Use Code to improve the quality of development design through new land-use districts; zoning standards; and design regulations and review process. • Create a premier destination place to live, work, and recreate. • Encourage new and distinctive neighborhoods. • Encourage high quality design and landscaping, including the use of water features, in new development. • Explore the opportunities to create distinctive neighborhoods through defining the unique attributes of the individual neighborhood, the incentives needed to encourage those characteristics, and the design, architecture, and development standards to guide future development. • Create a vision for the design of all streets and highways consistent with the city's urban setting. • Include the pedestrian zone in the highway right-of-way to satisfy the City's Development Code requirements for open space. • Create public gathering places at multiple locations throughout the city. • Beautify and landscape. • Encourage the use of non-potable water sources that are available to new development, including the installation of pressurized irrigation systems where appropriate. • Beautify streets, sidewalks and gateways with landscaping, trees, and public art. • Continue to require sidewalks and
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			<p>landscaping in all new development, and in major alterations and re-use of existing commercial sites.</p> <ul style="list-style-type: none"> • Allow relocation of canals and drains where appropriate. Require mitigation of the impacts that closing water systems have on the ground water and habitat. • Support efforts of Valley Regional Transit for fixed transit stops, bus turnouts, and more frequent service as financially feasible. • Evaluate the increasingly important destination Garden City is becoming within the region and the changing demand that places on public transportation. • Designate locations in proximity to existing and future transit stops throughout the city that serve as activity centers. • Participate in regional planning. • Amend the Development code to facilitate transit-oriented development nodes along the arterial roadways as designated on the Land Use Map and described in the Land Use Designation and follow the State Street Corridor Study recommendations. • Amend the Development Code to facilitate destination and neighborhood centers that draw people to the location and are supported by transit as designated on the Land Use Map and described in the Land Use Designation for activity nodes. • Continue to be a leader and set an example for the region in creating a diversity of housing. • Maintain the diversity of housing. • Continue to explore opportunities to encourage mixed income housing in new developments.
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			<ul style="list-style-type: none"> • Provide a transition in the height and scale of development that is compatible with the existing surrounding neighborhoods. • Limit the location of the new neighborhood commercial districts to areas that are a maximum of two blocks in length or appropriate in size to the location, and that can provide transition and buffering to any adjoining residential land uses. • Support a positive business environment. • Create a premier destination for work, recreation, entertainment, culture, and commerce. • Market the city to smaller businesses and support a positive environment for entrepreneurial businesses. <p>Garden City's regional transportation planning includes the State Street Corridor Transit Oriented Development plan ("State Street Corridor Study"). The State Street Corridor Study was adopted by the city (Res 1077-20) and is referenced in the Comprehensive Plan identifies the project location as Neighborhood Destination Activity Node with proximity to a transit stop, and encourages a new and distinctive neighborhood in the area with a density of "at least 14-20 units per acre"</p> <p>Action Steps in the City's Comprehensive Plan include:</p> <ul style="list-style-type: none"> • 10.4.1 Amend the Development Code to facilitate transit-oriented development nodes along the arterial roadways as designated on the Land Use Map and described in the Land Use Designation, and also follow the State Street Corridor Study recommendations. • 10.4.2 Amend the Development Code to facilitate destination and
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			<p>neighborhood centers that draw people to the location and are supported by transit as designated on the Land Use Map and described in the Land Use Designation activity node.</p> <ul style="list-style-type: none"> • 10.4.3 Provide a transition in the height and scale of development that is compatible with the existing surrounding neighborhoods. <p>The city amended its Development Code (Ord 1018-20; Site Specific Area Plan). Use of the adopted Specific Area Plan process facilitates the development of transit-oriented development activity nodes and neighborhood destination activity nodes.</p> <p>The creation of the River Club SAP District, and adoption of the nontransferable zoning regulations of the River Club SAP District code, provides the development standards and design regulation to implement the Comprehensive Plan's land use designation and supports the transportation goals of the Green Boulevard Corridor designation for State Street, and create and maintain a diversity of housing.</p> <p>The application, and the record as a whole, describes how the SAP, as conditioned, is consistent with the Comprehensive Plan guidelines.</p>
X			<p>Finding 2. The SAP application, as conditioned, meets the minimum requirements of chapter 6 of the Garden City Development Code.</p> <p>Reasoned Statement:</p> <p>The SAP application meets the minimum requirements of Chapter 6, Article A. of the Garden City Development Code.</p>

			<ul style="list-style-type: none"> • The application contains the required information and has been deemed complete. • All required fees have been paid/ • All public notice requirements have been met. • The required design review consultation has been completed. • All required public hearings with the Planning and Zoning Commission and City Council have been conducted. <p>The SAP application meets the minimum requirements of Chapter 6, Article B:</p> <ul style="list-style-type: none"> • An SAP may be used on any property in the City, including the application property, that would benefit from a master plan and phasing approach to ensure orderly planning and development. • Garden City Code encourages an SAP for the application property, which is defined in the Comprehensive Plan as a Neighborhood Destination Activity Node. • The application includes the required set of nontransferable zoning regulations. • All required pre-application meetings and neighborhood meetings have been held.
X			<p>Finding 3. The SAP application promotes the orderly planning and development of land, as set forth in the purpose for this process.</p> <p>Reasoned Statement:</p> <p>The SAP purpose is to establish a specific area plan district with distinct nontransferable zoning regulations and a master plan with the goal of ensuring orderly planning and development of land. See GCC § 8-6B-6.A.</p>

		<p>As discussed by the Council in its adoption of the Specific Area Plan ordinance (ORD. 1018-20): A Specific Area Plan, with its master plan and tailored zoning regulations, will promote orderly and efficient development patterns that avoid the conflicts and financial loss that occur with piecemeal development decisions.</p> <p>The SAP application, as conditioned promotes the orderly planning and development of the application property by:</p> <ul style="list-style-type: none"> • Implementing the goals and objectives of the City's Comprehensive Plan, as amended, including the Future Land Use Map. See also, Finding #1 in required Finding for 8-6B-6. • Contributing to the social, economic, and environmental sustainability of the city. See also Finding #4 in required Findings 8-6B-10(below). • Contributing amenities. • Designating and protecting open space within the application boundaries. • Providing a mix uses, including a mix of house types and sizes. • Planning and coordinating the phased construction of infrastructure, including public facilities and transportation system components. <p>As each detailed design phase of the project is brought back to the city the proposed development, guided by the concept master plan design vision, will be reviewed by the city to continually ensure orderly development including the phased construction of public facilities (such as sewer, water, and irrigation facilities), and coordination with the transportation</p>
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			agencies working in the State Street Corridor.
X			<p>Finding 4. The SAP application will create a district that is identifiable as a distinct area of the city with a distinguishing character.</p> <p>Reasoned Statement:</p> <p>The SAP application, with the densities, design and land uses identified in the application concept master plan and nontransferable zoning regulations, will implement the guidance of the Comprehensive Plan, and support the State Street Corridor Study with a transit-supportive residential development and a neighborhood activity hub that will be a destination for future residents and the surrounding community. The SAP application represents the initial development in Garden City along State Street implement the community vision to transform the State Street Corridor from an auto-centric roadway to an urban high-capacity transit corridor.</p> <p>As stated in the application narrative, the vision for project is a walkable, mixed-use, multi-generational community, offering diverse housing options catering to various demographic and lifestyle preferences, and linked together by pathways, recreation opportunities, and retail facilities to encourage physical activity and social engagement.</p> <p>Written support for the project has been received from the Garden City Visitors Bureau and the Boise Metro Chamber of Commerce as backing the State Street Corridor planning and the business organizations' mission to improve the quality of life and prosperity for the Garden City and the entire Treasure Valley</p>

X			<p>Finding 5. The SAP application has been noticed and public hearing held in accordance with Title 8 of Garden City Code.</p>
<p>Reasoned Statement:</p>			<p>This application has been duly noticed with: notices of neighborhood meetings; radius notice; agency notice; and on-site posting. In addition, notice was published at: the Garden City Hall; the Garden City Police Department; the Garden City Fred Meyer; the Garden City Next Door site; and the Garden City website. Interested parties were emailed notices and updates. Public meeting agendas were posted in the Garden City Hall lobby and the Garden City website.</p>
			<p>Public hearings before Planning and Zoning and the City Council were held in accordance with Title 8 of the Garden City Code.</p>
X			<p>Finding 6. The SAP application complies with all city zoning regulations and codes in effect at the time of the SAP application.</p>
			<p>Reasoned Statement:</p> <p>The SAP application includes its own nontransferable zoning regulations applicable in the SAP district (that is the "River Club SAP District code"). As provided for Finding #2 in required Findings for GCC 8-6B-6 (above), The SAP application complies with all city zoning regulations and codes in effect at the time of the application, notably Chapter 6, Articles A and B of Garden City Code, except as modified by the adopted River Club SAP District code.</p>

GCC 8-6B-10 Zoning Map Amendment and Annexation: REQUIRED FINDINGS

Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X			<p>Finding 1: The zoning map amendment complies with the applicable provisions of the comprehensive plan;</p> <p>Reasoned Statement:</p> <p>See Finding #1 in required Findings for 8-6B-6.</p>
	X		<p>Finding 2: The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;</p> <p>Reasoned Statement:</p> <p>This application proposes a new Specific Area Plan zoning district. See, Finding #3 in required Findings for 8-6B-6 (above) regarding the purpose statement for SAP district.</p> <p>All procedures required under Garden City Code § 8-6B-10 for a Zoning Map Amendment have been met:</p> <ul style="list-style-type: none"> • All application and public hearings have duly noticed and held. • The subject property meets the minimum dimensional standards of the proposed SAP District. • The City has required a development agreement in connection with the rezone. • As conditioned, all development agreement requirements of Garden City Code Section 8-6B-4 will be met: <ul style="list-style-type: none"> ○ The development agreement shall be attached to the ordinance establishing the zoning map amendment. ○ Compliance with the goals and policies of the City's

		<p>Comprehensive Plan were demonstrated in a written narrative by the applicant. See also, Finding #1 in required Findings for the Garden City Code § 8-6B-6 (above).</p> <ul style="list-style-type: none"> ○ There is compatible transition in scale, building form, and proportion between the proposed structure/use and existing structures and landscape. ○ The proposed uses and development of the subject property are appropriate for the location, the property, and the neighborhood. As demonstrated with the parking study by Fehr and Peers submitted for the record, the parking spaces provided are "more than sufficient to support the land uses" at the project. ○ The proposed uses and development shall not adversely affect the character, public health, safety, and/or general welfare of the neighborhood or the community. See also Findings #3 in required Findings for GCC 8-6B-10 (below) ○ As demonstrated with the traffic impact study prepared by Kittleson and Associates and as provided in recommendations from ACHD, the proposed use and development of the subject property shall not cause undue traffic congestion, dangerous traffic conditions.
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			<p>The proposed use(s) and development of the subject property shall not adversely impact other infrastructure such as, but not limited to, public utilities and communication systems, water, wastewater, and drainage systems. See also Findings #4 in required Findings for 8-6B-10 (below).</p>
X			<p>Finding 3: The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts;</p> <p>Reasoned Statement:</p> <p>As provided in Finding #1 for GCC 8-6B-10 (above), the zoning map amendment complies with the legislatively adopted Comprehensive Plan. As provided in Findings #2 for GCC 8-6B-10 (above), the zoning map amendment complies with the legislatively adopted regulations for the SAP District, which regulations are enacted to protect promote the health, safety, and general welfare of the community by implementing the goals of the Comprehensive Plan. See Garden City Code § 8-1A-2.</p> <p>As provided in Finding #4 GCC 8-6B-10 (below), as conditioned, the zoning map amendment will not have an adverse impact on the delivery of public services, which delivery of public services.</p> <p>Accordingly, a Finding of compliance with the Comprehensive Plan, and a Finding of compliance with the SAP District regulations, and a Finding of no adverse impact on the delivery of public services, demonstrates that the zoning map amendment will not materially detrimental to the public's health, safety, and welfare.</p>

X			<p>Finding 4: The zoning map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts;</p> <p>Reasoned Statement:</p> <p>Conditions of approval require, without limitation: water and sewer infrastructure plans to be reviewed by Garden City Public Works Department and Boise City (as applicable); transit infrastructure plans to be reviewed by VRT; and public road design and construction to be coordinated with (ACHD).</p> <p>TGS Consulting completed a Fiscal Impact Analysis (peer reviewed by W/ David Eberle) to review the monetary impact of the project on Garden City, which analysis shows: no adverse financial impact to the community; \$237M in new taxable value; a net revenue surplus to the City's General Fund of \$2.16M over 15 years; more than sufficient permit fees (\$1.8M) to cover administrative costs; adequate cash flow maintained for water and sewer service infrastructure based on "fee for services" budget; and the potential for an increase in State sales tax distribution to the City (\$200K/year).</p>
	X		<p>Finding 5: The annexation of land, if proposed, is in the best interest of the city and complies with the procedures as set forth in Idaho Code section 50-222 .</p> <p>Reasoned Statement:</p> <p>This application is not proposing annexation into Garden City; the property has been annexed into Garden City.</p>

GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			
Compliant	Not	Not Applicable	Standard

	Compliant to this Application	
X		<p>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</p> <p>See Finding #1 in required Findings for 8-6B-6. (above)</p>
X		<p>Finding 2: The text amendment shall not be materially detrimental to the public health, safety, and welfare;</p> <p>See Finding #3 in required Findings for 8-6B-10. (above)</p>
X		<p>Finding 3: The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city;</p> <p>See Finding #4 in required Findings for 8-6B-10. (above)</p>

30. The record was reviewed in its entirety by the City Council to render the decision.

CONCLUSIONS OF LAW

The Garden City Council reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies** the required findings under GCC 8-5B-6.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the City Council hereby does **APPROVE** the application, subject to the following conditions:

1. Approval of this application is for:
 - a. Approval of the Zoning Code Amendment.
 - b. Approval of rezoning the subject property from R-2 Low Density Residential to The Residences at River Club District/ DA
 - c. The approval of the conceptual Master Plan as conditioned
2. Future applications within the area designated by this Specific Area Plan application shall be in conformance with the Residences at River Club District, Development Agreement and in substantial conformance with the conceptual master plan.
3. If there is ever any judicial determination that the subject property's legal owner of record has not consented to this application the approval of this application shall be nullified and reversed.
4. The lot must be verified by the city as a legal lot of record or made into a legal lot of record.
5. A subdivision or Minor Land Division must be completed to separate the subject property area from the current parcel.
6. A development agreement shall be approved prior to the third reading and adoption of the rezone ordinance. The purpose of the development agreement will be to adopt the conceptual Master Plan.
7. Each structure required by code and each sub-area must obtain a design review approval prior to construction.
8. Connection to the city of Boise's sanitary sewer collection system must be coordinated with the city of Boise.
9. Required revisions to the Conceptual Master Plan include:
 - a. The height, as defined by adopted Code, of the area of the East Subdistrict, identified in the image referred to "Exhibit A" of the applicant's rebuttal presentation on June 26, 2023, hearing shall be limited to a maximum of

35'. The review of this change to the East Subdistrict will be reviewed no later than the design review of the West Subdistrict.

- b. Extend the publicly accessible bicycle and pedestrian pathway that runs adjacent to the golf course to connect the West Sub-district and the Pierce Park and State Street intersection. The pathway shall also provide for a potential future connection to the adjacent property at the westerly boundary.
- c. There shall be no bicycle or pedestrian access to North Fair Oaks Place. A physical barrier between the East Subdistrict and North Fair Oaks Place shall consist of fencing, landscaping, and/or watercourse or some combination thereof. The review of this change to the East Subdistrict will be reviewed no later than the design review of the West Subdistrict.
- d. The private road through the Central and East sub-districts shall be reviewed at the design review of the sub-districts to ensure that it adequately addresses the Garden City design consultant's recommendation to increase intuitive function of the traffic flow through the sub-districts to the State Street/Pierce Park intersection.
- e. Design for adequate stacking for left turn movements onto State Street as requested by ACHD.
- f. Vacate the existing right-of-way for Plantation Drive, and remove associated access onto State Street, as required by ACHD.
- g. There shall be no unsignalized left turns into or out of the project from State Street, unless determined by Garden City and ACHD at a future date as safe and appropriate.

10. A Development Agreement shall be entered into that adopts the Master Plan with the following conditions:

- a. The master plan is conceptual.
- b. The phasing of the development will occur as identified in the master plan.
- c. The pathways shall be consistent or greater in width and landscaping buffering as depicted in the master plan.
- d. The irrigation drain may be piped in sections but shall be daylighted and utilized as an amenity as shown in the conceptual Master Plan. If the waterway amenity is precluded by the drainage district or property owner, an amenity that equally enhances the linear park shall be provided. Any revisions to the proposed amenity shall be reviewed with the future review of the West sub-district. If the waterway amenity is constructed, permission from the off-site property owner allowing for the construction of the off-site improvement shall be provided.
- e. No vehicular access shall be allowed onto a public right-of-way unless approved and according to the Ada County Highway District standards. As recommended by ACHD, there shall be no vehicular access to North Fair Oaks Place, except for emergency access if required by the fire authorities.
- f. The setbacks for any type of encroachments including but not limited to walls, bushes, artwork, etc. must be at least 18" from any sidewalk or multi-use path to not create shy space into the usable area of the sidewalk/path.

- g. Easements required to enact the Master Plan:
 - i. Shall be provided as required by the City Engineer, Development Services Staff, or this decision.
 - ii. Shall be recorded with Ada County Land Records.
 - iii. Shall be provided to Garden City once recorded.
 - iv. Shall define the grantee and adequate information to depict the location of the easement such as a legal description and illustration.
 - v. Shall be unobstructed unless otherwise specified.
 - vi. At a minimum, include easements for the following:
 - 1. Public utilities.
 - 2. Water and sewer
 - a. If not otherwise designated by the City Engineer the total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
 - 3. Drainage.
 - 4. Public connections to and from the public rights-of-way (excluding North Fair Oaks Place) and pathways, including but not limited to users of Plantation Drive connecting to State Street.
 - 5. Public 12-foot, for a minimally 10-foot -wide concrete multi-use (bicycle and pedestrian) pathway along State Street.
 - 6. Publicly accessible 12-foot easement, for a minimally 10-foot -wide multi-use (bicycle and pedestrian) pathway that runs along the southern boundary of the subject property.
 - a. The term publicly accessible shall be defined to mean that the easement shall be perpetual and allow for public access with minor identified exceptions such as closures after customary travel hours.
- h. New water and sewer services, and site grading and drainage must be provided for review and approval by the Garden City Public Works Department.
- i. Should any connections be made to the Boise City sanitary sewer collection system, review and approval by Boise City Public Works must be provided.
- j. The alignment of N. Pierce Park Lane shall reflect ACHD's 99% design plans for the intersection at State Street.
- k. The bus stop amenities as outlined in the conceptual master plan are a requirement of the infrastructure to be installed as part of the master plan.
- l. The design and location of the proposed bus stop must be approved by Valley Regional Transit prior to construction.
- m. The phasing for the removal of the current bus stop and the installation of the proposed bus stop shall be coordinated with VRT and included in the phasing plan.
- n. Private roads shall provide street names and stop sign signage.

- o. The construction of roadway projects shall be coordinated with Ada County Highway District.
- p. All sidewalks and public pathways shall be designed and constructed to the project boundaries so that they facilitate future connections except there shall be no connection to North Fair Oaks Place as provided further in condition 9.c above.
- q. The Master Plan is an approved plan that is not subject to the one-year expiration identified in GCC 8-6A-8.

11. Prior to the adoption of The Residences at River Club District SAP Ordinance, revisions to proposed code shall be made to:

- a. Provide any clarifying or clerical language that does not change the intent of the approved provisions.
- b. Make clear the following concepts are incorporated:
 - i. Amend regulations to limit the height of the area of the East Subdistrict, identified in the image referred to "Exhibit A" of the applicant's rebuttal presentation on June 26, 2023, hearing to a maximum of 35'.
 - ii. Amend regulations to clarify there shall be no bicycle or pedestrian (and, as recommended by ACHD, no vehicle) access to North Fair Oaks Place and a physical barrier between the East Subdistrict and North Fair Oaks Place shall consist of fencing, landscaping, and/or watercourse or some combination thereof.
 - iii. Add a new chapter to Garden City Code 8-8 Specific Area Plan Ordinances.
 - iv. Amend proposed code to be consistent with a new article of Garden City Code 8-8 Specific Area Plan Ordinances rather than the current proposal of including the proposed SAP in a new title 11.
 - v. Add Garden City Code Sustainability and Nonconforming regulations by reference.
 - vi. Add Language: Accesses onto public roads shall comply with the requirements of the Transportation Authority.
 - vii. Add Language: Specific Area Plan: The Residences at River Club District Ordinance shall supersede if in conflict with The Residences at River Club District Master Plan.
 - viii. Add Language: A variety of housing for the project shall be provided at a rate of at least 5% from each of two or more of the categories of universal design, studio, or one-bedroom units.
 - ix. Pressurized Irrigation: utilize term "shall" rather than "may;" delete word "proposed."
 - x. Amend Language: Remove word "potentially" and define "active adult" or change term to multi-family in regulations in the district's language.
 - xi. Add Language: Design must meet "design character" as identified in the adopted master plan.
 - xii. Office: language to require centrally and unique is needed.
 - xiii. Single family attached: Connection to sidewalk rather than drive-aisle needs clarified.

- xiv. Add language: Detached sidewalks are required to allow for landscaping and street tree buffers. Detailed criteria can be added to identify when a different solution is appropriate.
- xv. Amend language: Add criteria for roof signs or maintain as prohibited.
- xvi. Amend language: Maintain Electronic Message Boards as prohibited or with a master sign plan approval.
- xvii. Add language to require the integration of signage with the architecture.
- xviii. Amend language for perimeter screening: remove the allowance for vinyl fencing and add wrought iron as an alternative.
- xix. Amend language in tree mitigation to require mitigation for trees equal to or less than 4" in diameter.
- xx. Amend language that will allow for private open space to provide for an aggregate of private open space within the project.
- xxi. Amend language for open space to state that common open space areas shall not be adjacent to a collector or arterial street unless separated from the street by a constructed barrier of at least two feet (2') in height and an additional landscape buffer that incorporates shrubs and trees.
- xxii. Amend language for open space to remove the word "interior."
- xxiii. Amend language for pedestrian walkways to clarify when it is appropriate for pedestrian pathway (concrete or paved) to be considered open space, while precluding sidewalks from the open space calculations that are adjacent to public streets or primary private streets.
- xxiv. Amend language for parking to provide a definition for active adult if it will be utilized as standard.
- xxv. Adopt parking by reference, or incorporate the city's adopted parking, except for the proposed residential and bicycle parking standards:

Use	Total Required Vehicle Parking Spaces Per Dwelling Unit	Required Covered Vehicle Parking Spaces Per Dwelling Unit	Required Covered Bicycle Spaces Per Dwelling Unit
Dwelling, multi-family:			
Up to 1 bedroom	1	.5	.5
2+ bedrooms	2	.5	.5
Age Restricted	1	.5	.5
Dwelling, single-family detached	2	2	n/a
Dwelling, townhouse:	2	2	n/a
Guest Parking			

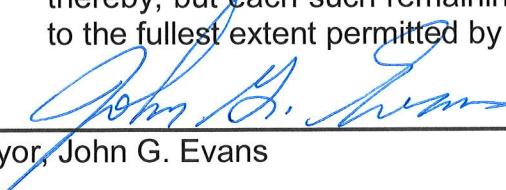
For developments with more than 2 dwelling units there shall be 0.5 additional vehicle parking spaces/unit provided for guest parking for the first 10 dwelling units. There shall be 0.1 parking spaces/unit provided for guest parking for every unit after the first 10 units.

- xxvi. Amend language for bicycle connectivity standards to require connectivity to the boundary of public right-of-way except there shall be no connection to North Fair Oaks Place as provided further in condition 9.c above.
- xxvii. Amend language setback language to clarify that the setbacks are reduced from parking areas only.
- xxviii. Add language that the setbacks for any type of encroachments including but not limited to walls, bushes, artwork, etc. must be at least 18" from any sidewalk or multi-use path to not create shy space into the usable area of the sidewalk/path.
- xxix. Amend language to identify that the multi-use path on State Street shall be 10' in width.
- xxx. Amend language within code that refers to bicycle routes and lanes to be consistent with the Institute for Traffic Engineers (ITE) definitions.
- xxxi. Provide a clearer Image of the conceptual Master Plan area for codification.
- xxxii. Add Language: The design of structures and amenities must be compatible with "Design Objectives" and "Design Character" as identified in the master plan.
- xxxiii. Adjust the requirement that parking cannot be within 40' of a corner to be state that parking cannot be within 25' from where two travel ways adjoin.

General Conditions:

1. This approval is for a Specific Area Plan.
2. The approval is specific to the application provided and reviewed.
3. This rezone decision document does not grant the approval of any specific use.
4. If this rezone is a result of a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.
5. The applicant shall comply with all requirements of the reviewing entities.
6. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis of this application or not.

7. This approval is for this application only, and does not permit land work, vegetation removal, construction of any structure or infrastructure, or allow for any use. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to any work or commencement of any use.
8. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing additional permits.
9. The date of decision and action is the date that the decision maker approves the written decision.
10. Materials submitted after the decision shall not be considered part of the record for this decision.
11. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
12. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed, or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day timeframe for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.
13. A takings analysis pursuant to Idaho Code may be requested on final decisions.
14. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.



Mayor, John G. Evans

August 14, 2023

Date

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Development Services Department
City of Garden City
6015 N. Glenwood St.
Garden City, ID 83714

(Space Above for Recorder's Use)

DEVELOPMENT AGREEMENT

This DEVELOPMENT AGREEMENT (“**Agreement**”) is entered into by and between the City of Garden City, a municipal corporation of the State of Idaho (the “**City**”), and LB River Club Owner LLC, a Delaware limited liability company (the “**Developer**”). City and Developer may be individually referred to in this Agreement as a “**Party**” or collectively as the “**Parties**” as appropriate under the circumstances.

RECITALS

1. Developer owns that certain real property that is approximately 22.68 acres of real property located at 6515 West State Street, Garden City, Idaho, 83714, legally described and generally depicted on Exhibit A, attached hereto and incorporated herein (the “**Property**”).

2. Developer has applied to the City for a rezone of the Property from the R-2 Zone (low-density residential) to the Residences at River Club SAP Zone (specific area plan) in file number SAPFY2023-0001 herein (the “**Application**”).

3. On the 14th day of August, 2023, the City approved the rezone authorizing the Property to be rezoned and adopted Findings of Fact, Conclusions of Law and Decision (the “**Decision**”), attached hereto and incorporated herein as Exhibit B.

4. The City, pursuant to Garden City Code Sections 8-6B-4 and 8-6B-10 and Idaho Code Section 67-6511A, has the authority to conditionally rezone the Property and to enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for a specific purpose or use which is appropriate in the area.

5. The City’s Planning and Zoning Commission and City Council have held public hearings as prescribed by law with respect to the zoning and development of the Property and this Agreement.

6. It is the intent and desire of the Parties to rezone and develop the Property in conformance with the Decision and subject to the terms and conditions of this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the above Recitals and the mutual consideration as reflected in the covenants, duties and obligations herein set forth, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Description and Location of Property; Size of Property; Present Zoning.

The Residences at River Club SAP Zoning District shall apply to the Property. The Property is legally described and generally depicted on Exhibit A. This Agreement applies to and governs the Property only and has no force or effect on any other property whatsoever.

2. Use Permitted by this Agreement. The uses allowed pursuant to the conditional rezone of the Property, as reflected in this Agreement, are all uses permitted or conditionally permitted with an approved conditional use permit, in the Residences at River Club Special Area Plan District.

No change in the uses specified in this Agreement shall be allowed without modification of this Agreement pursuant to the requirements of the Garden City Code.

3. Master Plan. The master concept plan ("Master Plan"), attached hereto as Exhibit C, is approved by the City subject to those conditions set forth in the Decision, sections 10(a)-(q).

4. Construction of Use. Development and site work on the Property shall be in accordance with all applicable laws and regulations and shall be consistent with the development standards set forth herein as well as in the Decision.

5. Default. In the event the Developer, its heirs or assigns, or subsequent owners of the Property, or any other person acquiring an interest in the Property, changes or expands the use permitted by this Agreement without formal modification of this Agreement as allowed by Garden City Code, or fails to faithfully comply with all of the terms and conditions included in this Agreement, following written notice to Developer specifying such change, expansion, or failure, and a sufficient opportunity to cure, this Agreement may be modified or terminated by the Garden City Council upon compliance with the requirements of Garden City Code.

6. Termination. In the event the Garden City Council, after compliance with the requirements of Garden City Code, determines that this Agreement shall be terminated as a result of default, the zoning of the Property shall revert to the City's R-2 Zone. All uses of the Property which are not consistent with the R-2 Zone or otherwise approved by the City shall cease.

7. Compliance Period. This Agreement must be fully executed and recorded within ten (10) days after the date of the adoption of Ordinance No. 1044-24 (the "Rezoning Ordinance") or it and the Ordinance is null and void and of no further force or effect pursuant to G.C.C. § 8-6B-4.D.4.

8. Non-Waiver. A waiver by the City of any default by the Developer of any one or more of the covenants or conditions herein shall apply solely to the breach and breaches

waived and shall not bar any other rights or remedies of the City or apply to any subsequent breach of any such or other covenants and conditions.

9. **Effective Date.** This Agreement shall be effective after it is recorded in the real property records of the Ada County Recorder and the City has adopted and published the Rezoning Ordinance by the Garden City Council formally zoning the Property in conformance with the approvals granted in the Application.

10. **Consent to Rezone.** The Developer, and its heirs, successors, assigns and personal representatives, by entering into this Agreement, do hereby agree that in the event there shall be an uncured default of this Agreement, after compliance with the requirements of Garden City Code, this Agreement shall serve as consent to a rezone of the Property to the C-2 Zone, as provided in I.C. § 67-6511A and G.C.C. § 8-6B-4.D.

11. **Notices.** Any and all notices required to be given by either of the Parties shall be in writing and be deemed delivered upon personal service, if hand-delivered, or when mailed in the United States mail, certified, return receipt requested, addressed as follows:

To the City:

City of Garden City
6015 North Glenwood Street
Garden City, Idaho 83714

To the Developer:

LB River Club Owner LLC
Lincoln Property Company
1211 SW 5th Avenue, Ste. 700
Portland, Oregon 97204

Either Party shall give notice to the other Party of any change of its address for the purpose of this section by giving written notice of such change to the other in the manner herein provided. In the event any successor or assign fails to provide an address, the City's obligation of mailing shall be deemed accomplished by use of the address on file with the County Tax Assessor.

12. **Attorneys' Fees.** Should any litigation be commenced between the Parties concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorneys' fees as determined by a court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination, or forfeiture of this Agreement.

13. **Time Is of The Essence.** The Parties acknowledge and agree that time is strictly of the essence with respect to each and every term, condition, and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the Party so failing to perform.

14. **Binding Upon Successors.** This Agreement shall be binding upon and inure to the benefit of the Parties' respective successors, assigns, and personal representatives,

including the City's corporate authorities and their successors in office. This Agreement shall be binding on the owner of the Property, each subsequent owner of the Property, and each other person acquiring an interest in the Property. This Agreement shall run with the land.

15. **Requirement for Recordation.** The City shall record this Agreement, including all exhibits attached hereto and incorporated herein, prior to adopting and publishing the Rezoning Ordinance. If for any reason after such recordation the Garden City Council fails to adopt the Rezoning Ordinance, the City shall execute and record an appropriate instrument of release of this Agreement.

16. **Invalid Provisions.** If any provision of this Agreement is held not valid, such provision shall be deemed to be excised therefrom, and the invalidity thereof shall not affect any of the other provisions contained herein.

[end of text – signatures on following pages]

IN WITNESS WHEREOF, the parties to this Agreement have caused it to be executed.

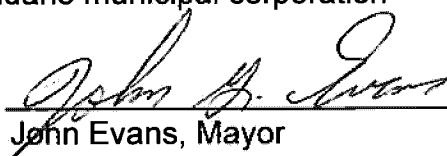
Dated this 13th day of May, 2024.

CITY:

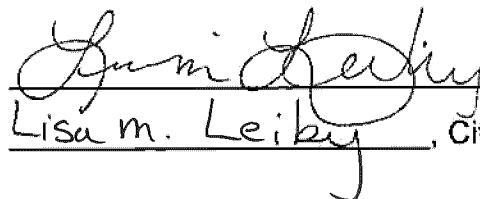


CITY OF GARDEN CITY,
an Idaho municipal corporation

By:


John Evans, Mayor

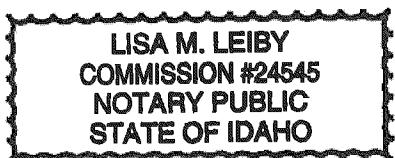
ATTEST:

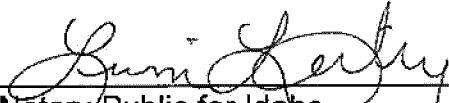

Lisa M. Leiby, City Clerk

STATE OF IDAHO)
) ss.
County of Ada)

On this 17th day of June, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared John Evans, known or identified to me to be the Mayor of the City of Garden City, the Idaho municipal corporation that executed the within and foregoing instrument, or the person who executed the instrument on behalf of said Idaho municipal corporation, and acknowledged to me that such Idaho municipal corporation executed the same.

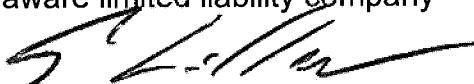
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Lisa M. Leiby
Notary Public for Idaho
My commission expires: 8/31/2025

DEVELOPER:

LB RIVER CLUB OWNER, LLC,
a Delaware limited liability company

By: 

Patrick Gilligan, Authorized Signatory

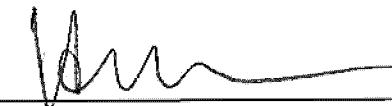
STATE OF OREGON)

) ss.

County of Multnomah

On this 22 day of May, 2024 before me, a notary public in and for the State of Oregon, personally appeared Patrick Gilligan, known or identified to me an Authorized Signatory of LB River Club Owner LLC, a Delaware limited liability company, the Delaware company that signed the within and foregoing instrument, and acknowledged to me that such trust executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Oregon
My commission expires: 7/12/24

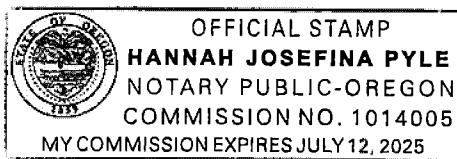


EXHIBIT A-1
Legal Description of Property



LEGAL DESCRIPTION

Page 1 OF 2

March 4, 2024
Project No.: 122078

EXHIBIT "A"

**RIVER CLUB
COMMERCIAL PARCEL
DESCRIPTION**

A parcel of land located in Northwest One Quarter of Section 30, of Township 4 North, Range 2 East, Boise Meridian, Garden City, Ada County, Idaho, being more particularly described as follows:

Commencing at the One Quarter Corner common to Sections 19 and 30 of said Township 4 North, Range 2 East, (from which point the Section Corner common to Sections 19, 20, 29 and 30 of said Township 4 North, Range 2 East bears South 89°11'32" East, 2652.17 feet distant);

Thence from said One Quarter Corner, South 87° 19' 38" West, a distance of 1889.62 feet to the Southeasterly corner of Lot 16, Block 1 of Plantation Acres Subdivision No. 1, recorded in Book 14 of Plats at Page 941 of Ada County Records, said point being on the Southerly Right-of-Way line of West State Street and being the POINT OF BEGINNING;

Thence South 45° 50' 38" West, a distance of 452.33 feet on the easterly boundary line of said Plantation Acres Subdivision No. 1;

Thence South 45° 50' 38" West, a distance of 95.08 feet on the easterly boundary line of said Subdivision;

Thence South 44° 09' 22" East, a distance of 56.35 feet to a point of curve;

Thence 199.80 feet on the arc of a curve to the right, said curve having a radius of 273.50 feet, a central angle of 41° 51' 22", a chord bearing of North 72° 46' 15" East, and a chord length of 195.39 feet to a point of compound curve;

Thence 329.04 feet on the arc of a curve to the right, said curve having a radius of 500.00 feet, a central angle of 37° 42' 20", a chord bearing of South 67° 26' 54" East, and a chord length of 323.14 feet;

Thence South 48° 25' 48" East, a distance of 194.12 feet;

Thence South 45° 45' 57" East, a distance of 355.63 feet;

Thence South 44° 15' 50" East, a distance of 712.10 feet to a point of curve;

Thence 108.76 feet on the arc of a curve to the right, said curve having a radius of 175.00 feet, a central angle of 35° 36' 36", a chord bearing of South 03° 15' 00" East, and a chord length of 107.02 feet to a point of reverse curve;

Thence 603.36 feet on the arc of a curve to the left, said curve having a radius of 425.00 feet, a central angle of 81° 20' 29", a chord bearing of South 26° 06' 56" East, and a chord length of 553.95 feet;

Thence South 66° 47' 11" East, a distance of 149.11 feet;

Thence South 01° 29' 48" West, a distance of 15.00 feet to the northeast corner of Wedgewood Greens Subdivision;

Thence on the exterior boundary line of said Wedgewood Greens Subdivision for the following courses and distances:

Thence South 33° 37' 54" East, a distance of 164.84 feet to a point of curve;
Thence 35.48 feet on the arc of a curve to the right, said curve having a radius of 50.00 feet, a
central angle of 40° 39' 26", a chord bearing of South 13° 18' 11" East, and a chord length of
34.74 feet;
Thence South 89° 56' 27" East, a distance of 114.18 feet;
Thence South 00° 07' 01" East, a distance of 8.48 feet;
Thence leaving said exterior boundary line, South 89° 24' 43" East, a distance of 117.62 feet to
the southwest corner of Kessinger Subdivision;
Thence on the westerly boundary line of said Kessinger Subdivision and Savannah Greens No. 4
for the following courses and distances:
Thence North 00° 26' 19" East, a distance of 66.37 feet;
Thence North 04° 05' 27" West, a distance of 59.75 feet;
Thence North 13° 37' 08" West, a distance of 124.77 feet;
Thence North 27° 49' 52" West, a distance of 198.57 feet;
Thence North 38° 53' 07" West, a distance of 165.00 feet;
Thence leaving said Kessinger Subdivision and Savannah Greens No. 4, North 36° 22' 28" West, a
distance of 203.82 feet;
Thence North 43° 58' 14" West, a distance of 256.08 feet;
Thence North 39° 39' 46" East, a distance of 268.62 feet to a point on the southerly right of way
line of West State Street;
Thence on the southerly right of way line of West State Street for the following courses and
distances:
Thence North 50° 47' 44" West, a distance of 122.55 feet;
Thence North 50° 51' 55" West, a distance of 1449.31 feet to a point of curve;
Thence 217.41 feet on the arc of a curve to the left, said curve having a radius of 17,229.00 feet,
a central angle of 00° 43' 23", a chord bearing of North 51° 38' 58" West, and a chord length of
217.41 feet to the POINT OF BEGINNING.

The above described parcel contains 22.68 acres more or less.

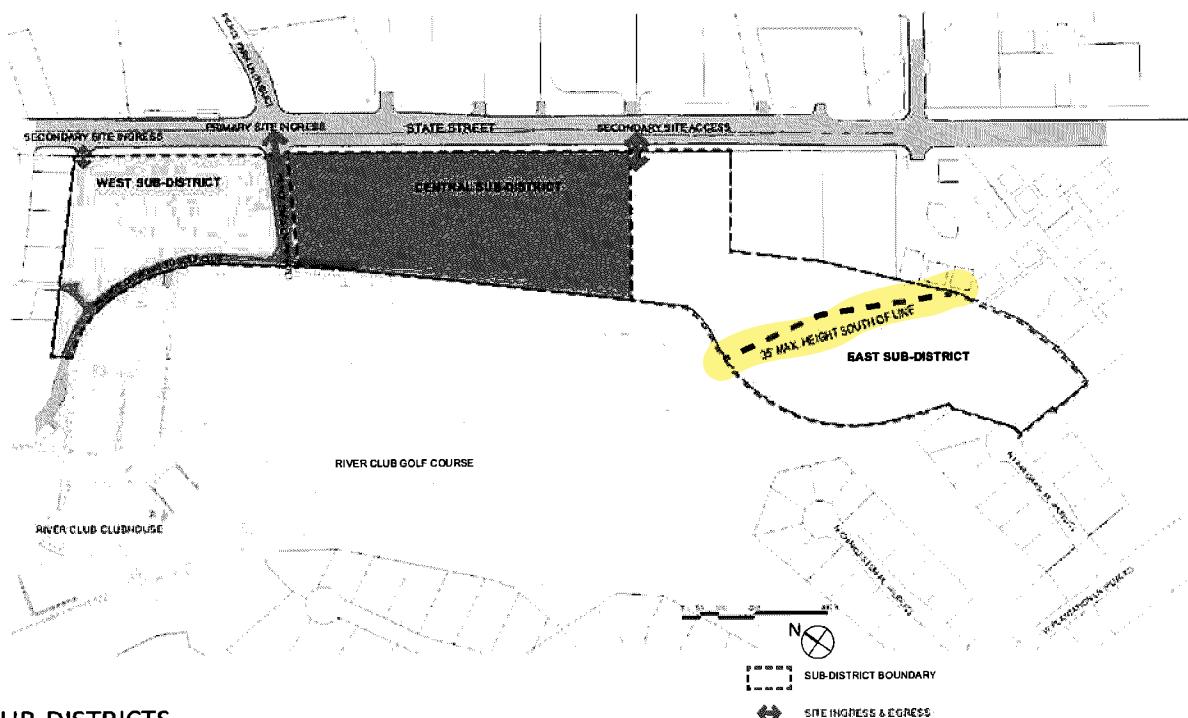
PREPARED BY:
The Land Group, Inc.

James R. Washburn



EXHIBIT A-2

Graphic Depiction of Property

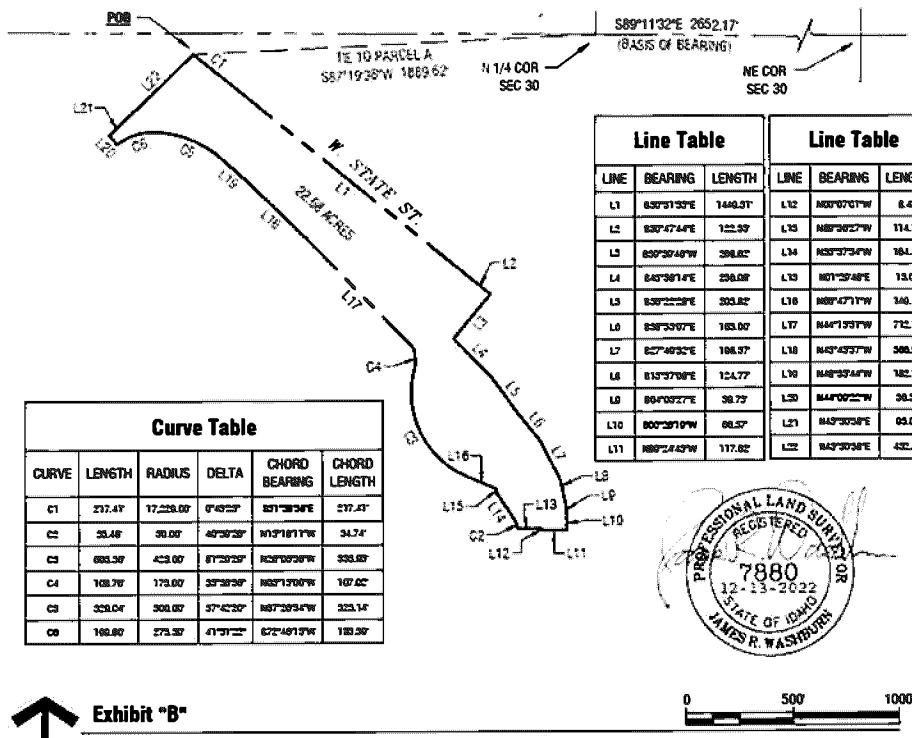


SUB-DISTRICTS

LPCWEST
lpcwest.com

NOTE: Building footprints are approximate. Depending on market demands, design and phasing sequence is expected to evolve during Design Review Application within the provisions in the approved Specific Area Plan.

RIVER CLUB SAP | SAP APPLICATION
FINAL FEBRUARY 27, 2024 DECEMBER 19, 2022 **CRTKL**



River Club
Commercial Parcel

1 of 1

EXHIBIT B
Findings of Fact, Conclusions of Law and Decision
(following 31 pages)

**BEFORE THE GARDEN CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO**

In the Matter of:	)	SAPFY2023-0001
)	
)	
Specific Area Plan:	)	AMENDED
The Residences at River Club	)	FINDINGS OF FACT
6515 State Street	)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho	)	AND DECISION
)	

THIS MATTER came before the Garden City City Council for consideration on 6/12/2023 6/26/2023, 7/10/2023, and 8/14/23. The Garden City City Council reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The application is for a Specific Area Plan.
2. The applicant is Trevor Nicoll with LPC West, Inc.
3. The subject property owner of record is LB River Club Owner LLC.
4. The applicant has provided *prima facie* evidence, through the Delegation of Authority and other documentation, of ownership and control of the property.
5. The location of the project is for a portion of the property addressed as 6515 W. State Street, Garden City, Idaho 83714; Taxing Parcel Numbers: S0630223350 and S0630212910; The property is described by the Ada County Assessor's Office as Parcel S0630212910 @ NE4NW4 in TCA 06-15 Section 30 4N 2E; and Parcel S0630223350 of Sec 24-25 & 30 Lots 2-3 4N2E & Lots 2-3 Block 4 Plantation Subdivision #1 #222680C #244315C S0630212900C S0525110106C S0619336570C R7100400583C R7100400605C.
6. The subject property includes roughly 22 acres of the 100.72-acre parcels.
7. The subject property is in the R-2 Low Density Residential Zoning District.
8. The subject property is in the Activity Node: Neighborhood Destination, Green Boulevard Corridor, Residential Low Density, Future Park/ Open Space designations of the Comprehensive Plan Future Land Use Map.

SAPFY2023-0001 AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION CC
Page 1

9. The following sections of the Garden City Development Code are added or amended by this proposal:
 - a. 8-2A-2 Official Zoning Map
 - b. 8-8 Specific Area Plans
 - c. 8-8A The Residences at River Club District
10. There has been no denial of any application in the same form for the same use on this property within one year.
11. The following sections of the Garden City Development Code apply to this proposal:
 - a. Garden City Code 8-1A-4: General Regulations, Applicability
 - b. Garden City Code 8-2A-2: Official Zoning Map
 - c. Garden City Code 8-6A: Administration
 - d. Garden City Code 8-6B-6: Specific Area Plan
12. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived	
X			Compliance Statement
X			Preliminary Title Report
X			Neighborhood Map
X			Master Plan
	X		Site Plan
X			Topographic Survey
X			Natural Hazards and Resource Analysis
	X		Dedications and Easements
	X**		Verification that address is an Ada County Approved Address*

*Items that are waived may be required for review at a later date.

**Addresses for the subject property will need to be submitted once they are provided by Ada County.

13. The application includes additional documentation to that which is required by the Garden City Code. All submitted application documents are a part of the record.
14. On December 30, 2022, the application was determined as complete and accepted.
15. The following noticing was completed in accordance with GCC 8-6A-7¹:

¹ The noticing was conducted for all hearings and the dates correspond to the first hearing date.

Noticing Requirement	Required Date	Completion Date
Neighborhood Meeting	12/20/2022	10/25/2022
Radius Notice	2/28/2023	12/30/2022
Legal Notice	2/28/2023	1/3/2023
Agency Notice	2/28/2023	12/29/2022
On site	3/5/2023	3/2/2023

a. Public notice was posted at Garden City Hall, the Garden City Police Department, and Garden City Fred Meyer on 12/30/2022.

b. Interested parties have emailed notices and updates.

16. The agendas were posted in the Garden City lobby and on the Garden City website in accordance with Idaho Code 74-204.

17. Additional noticing was provided:

- a. On the Garden City Next Door site
- b. On the Garden City website

18. Agency Comments were received from:

- a. City Engineer 1/8/2023
- b. DEQ 1/5/2023
- c. VRT 2/13/2023
- d. Design Review Consultant Derek Hurd 2/24/2023, 03/10/2023, & 05/26/2023
- e. Design Review Consultant Bret Labrie 2/24/2023, 03/10/2023, & 05/26/2023
- f. Boise School District 03/10/2023 & 05/08/2023
- g. Ada County Highway District 04/17/2023 and 04/27/2023
- h. City of Boise 03/15/2023

19. Written Public Comments received on or before June 5, 2023, were received from:

In Favor

a. Jerry Ochofield	n. Steve and Cathleen Aikman
b. Patricia Perkins	o. Glenn and Viktoria Elam
c. Mike Nero	p. Dick and Janelle Curtis
d. Janice & Bob Wilcox	q. Steve and Terry Selekov
e. Tom Donahoe	r. Adam and Andrea Krueger
f. Tyler McReynolds	s. Mark and Christina Johnson
g. Scott White	t. Sheryl Scott
h. Joyce and John Raudabaugh	u. Brian Marsh
i. Lou and Gerre Pagano	v. Rick York
j. Nancy Cenell	w. Naney Marsh
k. Save Plantation Coalition	x. Robert DeBolt
l. Craig Fenwick	y. Jeff Cliff
m. Joe and Audrey Leaf	z. Vicki Malloy
	aa. Terri Nero

bb.	Bruce & Jean Christensen	m.	Bob Schmellick
cc.	Andrew Johnson	n.	Janelle Curtis
dd.	Kristen Colter	o.	Lynn Livingston
ee.	Anne & Bill Connors	p.	Art & Cynthia Peavey
ff.	Deanna Turner	q.	Anthony Cardoni
gg.	Brent Pipal	r.	Gail & Ted Neil
hh.	Jason Dobis	s.	Riley Hickox
ii.	Joyce & John Raudabaugh	t.	Lou & Gerre Pagano (retracted)
jj.	Will Gustafson	u.	Kathy Clancy
kk.	Dennis Huston	v.	Colleen Lambertz & Mary Jo Nybald
ll.	Karen Buich	w.	Mary & Rod Berkshire
mm.	Marty Pieroni	x.	David Leroy
nn.	Kristina Lawcynell	y.	Robert Bennett
oo.	Nathan Lawcynell	z.	Debra Riedel
pp.	Leslie Sand	aa.	Jon Bolt
qq.	Robert and Janet Bennett	bb.	Ron Wilper
rr.	Marcia Bleymaier	cc.	Rita & Bob Franklin
ss.	Garden City Visitors Bureau	dd.	Jim Classen
tt.	Briana and Doug Werner	ee.	David Rae
uu.	Travis Young	ff.	Marilee Pospahala
vv.	Bob Running	gg.	Parker & Gretchen Massman
ww.	Mark Johnson	hh.	Mary Ann Cook
xx.	Dick Curtis	ii.	'Save Plantation Coalition'
yy.	Kevin Helmick	jj.	Bruce Moore
zz.	Tom Donahoe	kk.	Andrea Fogelman
aaa.	Riley Hickox- Retracted	ll.	Eric Fogelman

Neutral or Unknown

a. Curt and Linda Blake

Opposed

a.	Pat Pettiette	oo.	Jerry Sly
b.	Kathleen Ross	pp.	Irene Latta
c.	Mark & Alana Annese	qq.	Kathleen Klokke
d.	Marilyn & Louis Stoddard	rr.	Patricia Hendrick
e.	Kelly Holzscheiter & Brently Bird	ss.	Rhea Hirsch
f.	Dr. Michael & Marty Downey	tt.	Susan Troyer
g.	Claudia & Jim Foltz	uu.	Chris Niebrand
h.	Nick & Alicia Sullivan	vv.	Margaret Henbest
i.	Dr. Ron & Carol Reagan	ww.	Virginia Morris
j.	Carmen & Larry Westberg	xx.	Hildegarde Ayer
k.	David Patterson	yy.	Susan Halen
l.	Dan & Betty Hollar	zz.	Liz Lanvin
		aaa.	Sue Evancho
		bbb.	Lu Northrup
		ccc.	Gary Crupper

ddd.	Joan Lang	xxxx.	Barbara Keubs
eee.	Diane Dann	yyyy.	Marilyn Farneman
fff.	Joy Kemper	zzzz.	Mary Ann Murdoch
ggg.	June Knowlton	aaaaa.	Barbara Emery
hh.	LaVerne Thatcher	bbbb.	Carolyn Gill
iii.	Carol Crupper	cccc.	Neva Pastlethwait
jjj.	Pete Edmonds	ddddd.	Rebecca Wald
kkk.	Robert Jue	eeee.	Patricia Warner
III.	Roger Ivie		
mmm.	Jerry & Gerrie Sly		
nnn.	Kathleen Klokke		
ooo.	Lawrence Campbell		
ppp.	Susan Troyer		
qqq.	John Atwater		
rrr.	LouAnn McKay		
sss.	Peter Snowden		
ttt.	Wilfred Lemon		
uuu.	Winnie Morton		
vvv.	Gretchen Massman		
www.	Parker Massman		
xxx.	Kathleen Grover		
yyy.	Tina Ellis		
zzz.	Richard English		
aaaa.	Sharon Grisham		
bbbb.	Paul Westberg Dorothy Raney		
cccc.	Karen Schneider		
ddddd.	Norbert Dekerchove		
eeee.	Thyne Murdoch		
ffff.	Bob Punbeck		
gggg.	David Patterson		
hhhh.	Edward Altian		
iiii.	Heidi Pearson		
jjjj.	Louis Stallman		
kkkk.	Alexander Robinson		
llll.	Michael Thiry		
mmmm.	Art Peavy		
nnnn.	Margaret Henbest		
oooo.	M.J. Byrne		
pppp.	Jeanne Patterson		
qqqq.	Pierce Roan		
rrrr.	Donna Schlagel		
ssss.	Edwina Lysinger		
ttt.	Josephine Santillanes		
uuuu.	Jeraldine Cunningham		
vvv.	Robyn Zimmerman		
www.	Carol Bower		

20. On March 15, 2023, a public hearing before the Garden City Planning and Zoning Commission was scheduled:
 - a. The hearing was continued to a date certain of April 27, 2023.
21. On March 27, 2023, a public hearing before the City Council was scheduled:
 - a. The hearing was continued to a date certain of May 22, 2023.
22. On April 27, 2023, a public hearing before the Garden City Planning and Zoning Commission was held:
 - a. Chairman Rasmussen introduced the application.
 - i. It was noted that the application is quasi-judicial.
 - ii. Commissioner Brown provided disclosures and noted that he lives in the neighborhood and sits on the Plantation Master Association. He indicated that he had been careful not to discuss this matter. He has recused himself and was not present when the item was discussed with the Plantation Master Association. He has answered some procedural questions. He stated that he does not have a conflict of interest.
 - iii. It was noted for the record that Commissioner Wilde had recused himself and was not present.
 - iv. Commissioners Montoya, Shepard, and Rassmussen all noted that they had not had any ex parte communication and that they do not have conflict.
 - v. The order of hearing was noted.
 - vi. The time limitation exceptions were noted for the record.
 - vii. The rules of conduct were reviewed.
 - b. The applicant presented the application. The applicant team included:
 - i. Will Gustafson
 - ii. Jenny Pham
 - iii. JoAnn Butler
 - iv. Bob Taunton
 - v. Brian Perkins
 - vi. John Ringard
 - c. Jenah Thornborrow provided a staff report.
 - d. Public testimony was received from:

In Favor

 - i. Tom Donahoe as a spokesperson for:
 - a. Rachel Bikerton
 - ii. Dick Curtis
 - iii. Patricia (Patty) Perkins
 - iv. Mark Johnson

Opposed

 - i. David Leroy as a spokesperson for:
 - a. Russell Ford

- b. Colleen Lambert
 - c. Jeanne Patterson
 - d. Pierce Roan
 - ii. Ron Bush as a spokesperson for:
 - a. Mary Jo Nybald
 - b. Sandra Ford
 - c. Ben Doty
 - d. Eric Fogleman
 - iii. Pat Pettiette
 - a. M.J. Byrne
 - iv. John Livingston as a spokesperson for
 - a. Lynn Livingston
 - v. Barry Klezmer as a spokesperson for:
 - a. Steven Sterns
 - b. Andre Diaz
 - vi. Paul Schmellick as a spokesperson for:
 - a. David Patterson
 - b. Edward Altaan
 - vii. Pete Edmonds
 - viii. Dan Hollar
 - ix. Karen Houser
 - x. Kelly Hollshetter
 - xi. Alexander Robinsen
 - xii. Margaret Henbest
 - xiii. Andrea Fogelman
- e. There were no additional members of the public present at the hearing that requested to provide public testimony.
- f. Commissioner Brown noted that he will not be present during the next regularly scheduled Planning and Zoning Commission meeting scheduled for May 17, 2023.
- g. Commissioner Brown moved to continue the public hearing until a date certain of May 24, 2023, at 5:30 pm.
- h. Commissioner Montoya seconded the motion.
- i. The motion passed on a 4/0 vote.

23. On May 22, 2023, a public hearing before the City Council was scheduled:

- a. The hearing was continued to a date certain of June 12, 2023.

24. On May 24, 2023, a public hearing before the Garden City Planning and Zoning Commission was held:

- a. Chairman Rasmussen introduced the application.
 - i. The chairman noted that public testimony is to be limited to only the new matter of the applicant's proposal to add a condition of approval to amend the East Sub-district to remove 7 townhomes and increase the setbacks.

- b. The applicant JoAnn Butler presented the proposed condition of approval to amend the Master Plan to the application.
- c. Public testimony was received from:

In Favor

- i. Mark Johnson

Opposed

- i. John Livingston as a spokesperson for
 - a. Debra Riedel
 - b. Eric Fogelman
 - c. Andrea Fogelman
- ii. Tina Ellis as a spokesperson for
 - a. Barry Klezmer
- iii. Ron Bush as a spokesperson for:
 - a. Edward Altaan
 - b. Pat Pettiette
 - c. Dorie Pettiette

Ron Bush indicated that he wished that the inability to discuss property ownership is a violation of his due process.

This was formally noted by city attorney, Charles Wadams, that this is noted in the record.

- iv. David Leroy as a spokesperson for:
 - a. Gretchen Massman
 - b. Parker Massman
 - c. Bob Schmellick
 - e. M.J. Byrne
 - f. Clarice Schmellick
 - g. David Patterson

xiv. Dan Hollar

- d. There were no additional members of the public present at the hearing who requested to provide public testimony.
- e. The applicant, JoAnn Butler and Bob Taunton provided a rebuttal.
- f. The Commission called upon staff, Jenah Thornborrow, for questioning.
- g. The public testimony was closed.
- h. The Commission deliberated.
- i. All members of the Commission found that the revised documentation was not a substantial change to the application.
- j. Vice Chair Brown moved to recommend approval and adopt the draft findings of fact, conclusions of law in the affirmative, and conditions of

approval including the applicant's requested revisions except for deletion of conditions of conditions 3, 4, 5, and 11 a.

- k. Commissioner Shepard seconded the motion.
- l. The motion passed on a 4/0 vote.

25. On June 12, 2023, a public hearing before the Garden City Council was held:

- a. Mayor Evans introduced the application and addressed rules of conduct.
- b. No Member of the City Council or Mayor had any disclosures related to conflict of interest or *ex parte* communication.
- c. The applicant presented the application. The applicant team included:
 - i. Will Gustafson
 - ii. Jenny Pham
 - iii. Brian Perkins
 - iv. JoAnn Butler
 - v. Bob Taunton
- d. Jenah Thornborrow provided a staff review.
- e. Public testimony was received by:
 - i. Opposition
 - a. David Leroy - Spokesperson representing Livingstons, Pattersons, and Schmellicks speaking for Ben Doty, David Stackofsky, Byrne M.J., Edward W. Altian, Pat Pettiette, Grey Contos, Louis Stoddard
 - b. Virginia Morris
 - c. John W Longhurst
 - d. Reci Schmellick
 - e. Dan Hollar- Spokesperson for Betty Hollar, Eric Fogelman
 - f. Kathleen Grover
 - g. John Livingston- Spokesperson for Lynn Livingston
 - h. Andrea Fogelman-Spokesperson for Bob Schmellick - no testimony
 - i. Ronald Bush- Spokesperson for Debra Riedel, testimony read by Debra Riedel
 - j. Tina Ellis Spokesperson for Barbara Lee
 - k. David Patterson Spokesperson for Louis Stoddard , Mark Annese, Alana Annese, Jeanne Patterson, Parker Massman and Gretchen Massman
 - l. Dan Harrington
 - m. Larry Closerwher
 - n. Michael Thiry did not testify.
 - o. Brently Bird did not testify.
 - p. Phillip Gordon did not testify.
 - q. Kelly Holzscheiter did not testify.
 - r. Kent Johnson did not testify.
 - s. Steven Sterns, Spokesperson for Sharon Grisham did not testify.
 - t. Barry Klezmer, Spokesperson for Marc Vance did not testify.

- ii. In Favor
 - a. Tom Donahoe – did not testify.
 - b. Janelle Curtis
 - c. Charles Schoefield
 - d. Mike Nero- did not testify.
 - e. Crissy Kojima - President of Pierce Park Neighborhood Association
- iii. Neutral
 - a. Willford Lemon did not testify.
 - b. Pierce Roan on behalf of Plantation Master's Association
- f. There was no one else present who indicated that they wished to provide testimony.
- g. Public hearing continued to the date of June 26, 2023 for rebuttal and deliberation.

26. On June 26, 2023, the public hearing before the Garden City Council was held.

- a. Matters of process were addressed:
 - i. Council Member Heller noted that he lives on Sterling in the Plantation Subdivisions. He noted that he does not have an economic conflict of interest and has not had substantive ex parte communication to disclose.
 - ii. Upon inquiry, no other members of the Council or Mayor had substantive Ex Parte communications or a conflict of interest.
 - iii. Untimely public comments were noted. The Council determined that they will not be a part of the record.
 - iv. City attorney, Charles Wadams indicated that he had provided a memorandum and suggested reasoned statements for the draft decisions document. He noted that the statements were not a recommendation for approval, but rather examples of a sound reasoned statement.
- b. The applicant's representatives Bob Taunton and JoAnn Buttler provided the rebuttal.
- c. The Council deliberated.
- d. The public hearing was closed.
- e. Council President Page moved to approve the application in accordance with the Planning and Zoning Commission recommendation including the draft findings of fact, conclusions of law, and conditions of approval with the following amendments:
 - i. Include suggested reasoned statements.
 - ii. Eliminate the requirement to provide bicycle and pedestrian access to Fair Oaks Place.
 - iii. The area shown in the rebuttal presentation, referred to as exhibit A during the hearing shall be restricted to a height of 35.
- f. Councilmember Jorgenson seconded the motion.
- g. The motion passed on a 4/0 vote.

27. The Council approved the written decision on July 10, 2023. On August 14, 2023, after a request for reconsideration was submitted by Dave Leroy, and pursuant to stipulation between Dave Leroy and the applicant, the Council approved this Amended Findings of Fact, Conclusions of Law, and Decision to clarify the decision.

28. The record contains:

- a. Application and application materials
- b. Noticing Documents
- c. Agency Comments
- d. Design Review Consultant Recommendations
- e. Public Comments
- f. Staff Report
- g. Planning and Zoning Commission Recommendation
- h. Planning and Zoning Commission Minutes and audio: February 15, 2023; March 15, 2023; April 27, 2023; May 24, 2023
- i. City Council Decision
- j. City Council Minutes and audio: June 12, 2023, June 26, 2023, July 10, 2023, and August 14, 2023.

29. In consideration of a Specific Area Plan the decision maker shall make the following findings:

GCC 8-6B-6: SPECIFIC AREA PLAN: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			<p>Finding 1. The SAP application, as conditioned, is consistent with the city comprehensive plan, as amended, including the future land use map and the land use planning area guidelines and land use designations, if applicable.</p> <p>Reasoned Statement:</p> <p>The application is in accord with the city Comprehensive Plan including the Future Land Use Map and the land use planning area guidelines and land use designations.</p> <p>Goals</p> <ul style="list-style-type: none"> • 1 Nurture the City • 2 Improve the City Image • 6 Diversity in Housing • 10 Plan for the Future

			<ul style="list-style-type: none"> • 11 Serve the City • 12 Evolve as a Destination <p>Objectives and Action Steps</p> <ul style="list-style-type: none"> • Amend the Land Use Code to improve the quality of development design through new land-use districts; zoning standards; and design regulations and review process. • Create a premier destination place to live, work, and recreate. • Encourage new and distinctive neighborhoods. • Encourage high quality design and landscaping, including the use of water features, in new development. • Explore the opportunities to create distinctive neighborhoods through defining the unique attributes of the individual neighborhood, the incentives needed to encourage those characteristics, and the design, architecture, and development standards to guide future development. • Create a vision for the design of all streets and highways consistent with the city's urban setting. • Include the pedestrian zone in the highway right-of-way to satisfy the City's Development Code requirements for open space. • Create public gathering places at multiple locations throughout the city. • Beautify and landscape. • Encourage the use of non-potable water sources that are available to new development, including the installation of pressurized irrigation systems where appropriate. • Beautify streets, sidewalks and gateways with landscaping, trees, and public art. • Continue to require sidewalks and
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			<p>landscaping in all new development, and in major alterations and re-use of existing commercial sites.</p> <ul style="list-style-type: none"> • Allow relocation of canals and drains where appropriate. Require mitigation of the impacts that closing water systems have on the ground water and habitat. • Support efforts of Valley Regional Transit for fixed transit stops, bus turnouts, and more frequent service as financially feasible. • Evaluate the increasingly important destination Garden City is becoming within the region and the changing demand that places on public transportation. • Designate locations in proximity to existing and future transit stops throughout the city that serve as activity centers. • Participate in regional planning. • Amend the Development code to facilitate transit-oriented development nodes along the arterial roadways as designated on the Land Use Map and described in the Land Use Designation and follow the State Street Corridor Study recommendations. • Amend the Development Code to facilitate destination and neighborhood centers that draw people to the location and are supported by transit as designated on the Land Use Map and described in the Land Use Designation for activity nodes. • Continue to be a leader and set an example for the region in creating a diversity of housing. • Maintain the diversity of housing. • Continue to explore opportunities to encourage mixed income housing in new developments.
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			<ul style="list-style-type: none"> • Provide a transition in the height and scale of development that is compatible with the existing surrounding neighborhoods. • Limit the location of the new neighborhood commercial districts to areas that are a maximum of two blocks in length or appropriate in size to the location, and that can provide transition and buffering to any adjoining residential land uses. • Support a positive business environment. • Create a premier destination for work, recreation, entertainment, culture, and commerce. • Market the city to smaller businesses and support a positive environment for entrepreneurial businesses. <p>Garden City's regional transportation planning includes the State Street Corridor Transit Oriented Development plan ("State Street Corridor Study"). The State Street Corridor Study was adopted by the city (Res 1077-20) and is referenced in the Comprehensive Plan identifies the project location as Neighborhood Destination Activity Node with proximity to a transit stop, and encourages a new and distinctive neighborhood in the area with a density of "at least 14-20 units per acre"</p> <p>Action Steps in the City's Comprehensive Plan include:</p> <ul style="list-style-type: none"> • 10.4.1 Amend the Development Code to facilitate transit-oriented development nodes along the arterial roadways as designated on the Land Use Map and described in the Land Use Designation, and also follow the State Street Corridor Study recommendations. • 10.4.2 Amend the Development Code to facilitate destination and
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			<p>neighborhood centers that draw people to the location and are supported by transit as designated on the Land Use Map and described in the Land Use Designation activity node.</p> <ul style="list-style-type: none"> • 10.4.3 Provide a transition in the height and scale of development that is compatible with the existing surrounding neighborhoods. <p>The city amended its Development Code (Ord 1018-20; Site Specific Area Plan). Use of the adopted Specific Area Plan process facilitates the development of transit-oriented development activity nodes and neighborhood destination activity nodes.</p> <p>The creation of the River Club SAP District, and adoption of the nontransferable zoning regulations of the River Club SAP District code, provides the development standards and design regulation to implement the Comprehensive Plan's land use designation and supports the transportation goals of the Green Boulevard Corridor designation for State Street, and create and maintain a diversity of housing.</p> <p>The application, and the record as a whole, describes how the SAP, as conditioned, is consistent with the Comprehensive Plan guidelines.</p>
X			<p>Finding 2. The SAP application, as conditioned, meets the minimum requirements of chapter 6 of the Garden City Development Code.</p> <p>Reasoned Statement:</p> <p>The SAP application meets the minimum requirements of Chapter 6, Article A. of the Garden City Development Code.</p>

			<ul style="list-style-type: none"> • The application contains the required information and has been deemed complete. • All required fees have been paid/ • All public notice requirements have been met. • The required design review consultation has been completed. • All required public hearings with the Planning and Zoning Commission and City Council have been conducted. <p>The SAP application meets the minimum requirements of Chapter 6, Article B:</p> <ul style="list-style-type: none"> • An SAP may be used on any property in the City, including the application property, that would benefit from a master plan and phasing approach to ensure orderly planning and development. • Garden City Code encourages an SAP for the application property, which is defined in the Comprehensive Plan as a Neighborhood Destination Activity Node. • The application includes the required set of nontransferable zoning regulations. • All required pre-application meetings and neighborhood meetings have been held.
X			<p>Finding 3. The SAP application promotes the orderly planning and development of land, as set forth in the purpose for this process.</p> <p>Reasoned Statement:</p> <p>The SAP purpose is to establish a specific area plan district with distinct nontransferable zoning regulations and a master plan with the goal of ensuring orderly planning and development of land. See GCC § 8-6B-6.A.</p>

		<p>As discussed by the Council in its adoption of the Specific Area Plan ordinance (ORD. 1018-20): A Specific Area Plan, with its master plan and tailored zoning regulations, will promote orderly and efficient development patterns that avoid the conflicts and financial loss that occur with piecemeal development decisions.</p> <p>The SAP application, as conditioned promotes the orderly planning and development of the application property by:</p> <ul style="list-style-type: none"> • Implementing the goals and objectives of the City's Comprehensive Plan, as amended, including the Future Land Use Map. See also, Finding #1 in required Finding for 8-6B-6. • Contributing to the social, economic, and environmental sustainability of the city. See also Finding #4 in required Findings 8-6B-10(below). • Contributing amenities. • Designating and protecting open space within the application boundaries. • Providing a mix uses, including a mix of house types and sizes. • Planning and coordinating the phased construction of infrastructure, including public facilities and transportation system components. <p>As each detailed design phase of the project is brought back to the city the proposed development, guided by the concept master plan design vision, will be reviewed by the city to continually ensure orderly development including the phased construction of public facilities (such as sewer, water, and irrigation facilities), and coordination with the transportation</p>
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			agencies working in the State Street Corridor.
X			<p>Finding 4. The SAP application will create a district that is identifiable as a distinct area of the city with a distinguishing character.</p> <p>Reasoned Statement:</p> <p>The SAP application, with the densities, design and land uses identified in the application concept master plan and nontransferable zoning regulations, will implement the guidance of the Comprehensive Plan, and support the State Street Corridor Study with a transit-supportive residential development and a neighborhood activity hub that will be a destination for future residents and the surrounding community. The SAP application represents the initial development in Garden City along State Street implement the community vision to transform the State Street Corridor from an auto-centric roadway to an urban high-capacity transit corridor.</p> <p>As stated in the application narrative, the vision for project is a walkable, mixed-use, multi-generational community, offering diverse housing options catering to various demographic and lifestyle preferences, and linked together by pathways, recreation opportunities, and retail facilities to encourage physical activity and social engagement.</p> <p>Written support for the project has been received from the Garden City Visitors Bureau and the Boise Metro Chamber of Commerce as backing the State Street Corridor planning and the business organizations' mission to improve the quality of life and prosperity for the Garden City and the entire Treasure Valley</p>

X			<p>Finding 5. The SAP application has been noticed and public hearing held in accordance with Title 8 of Garden City Code.</p> <p>Reasoned Statement:</p> <p>This application has been duly noticed with: notices of neighborhood meetings; radius notice; agency notice; and on-site posting. In addition, notice was published at: the Garden City Hall; the Garden City Police Department; the Garden City Fred Meyer; the Garden City Next Door site; and the Garden City website. Interested parties were emailed notices and updates. Public meeting agendas were posted in the Garden City Hall lobby and the Garden City website.</p> <p>Public hearings before Planning and Zoning and the City Council were held in accordance with Title 8 of the Garden City Code.</p>
X			<p>Finding 6. The SAP application complies with all city zoning regulations and codes in effect at the time of the SAP application.</p> <p>Reasoned Statement:</p> <p>The SAP application includes its own nontransferable zoning regulations applicable in the SAP district (that is the "River Club SAP District code"). As provided for Finding #2 in required Findings for GCC 8-6B-6 (above), The SAP application complies with all city zoning regulations and codes in effect at the time of the application, notably Chapter 6, Articles A and B of Garden City Code, except as modified by the adopted River Club SAP District code.</p>

GCC 8-6B-10 Zoning Map Amendment and Annexation: REQUIRED FINDINGS

Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X			<p>Finding 1: The zoning map amendment complies with the applicable provisions of the comprehensive plan;</p> <p>Reasoned Statement:</p> <p>See Finding #1 in required Findings for 8-6B-6.</p>
	X		<p>Finding 2: The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;</p> <p>Reasoned Statement:</p> <p>This application proposes a new Specific Area Plan zoning district. See, Finding #3 in required Findings for 8-6B-6 (above) regarding the purpose statement for SAP district.</p> <p>All procedures required under Garden City Code § 8-6B-10 for a Zoning Map Amendment have been met:</p> <ul style="list-style-type: none"> • All application and public hearings have duly noticed and held. • The subject property meets the minimum dimensional standards of the proposed SAP District. • The City has required a development agreement in connection with the rezone. • As conditioned, all development agreement requirements of Garden City Code Section 8-6B-4 will be met: <ul style="list-style-type: none"> ◦ The development agreement shall be attached to the ordinance establishing the zoning map amendment. ◦ Compliance with the goals and policies of the City's

SAPFY2023-0001 AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION CC
Page 20

			<p>Comprehensive Plan were demonstrated in a written narrative by the applicant. See also, Finding #1 in required Findings for the Garden City Code § 8-6B-6 (above).</p> <ul style="list-style-type: none"> ○ There is compatible transition in scale, building form, and proportion between the proposed structure/use and existing structures and landscape. ○ The proposed uses and development of the subject property are appropriate for the location, the property, and the neighborhood. As demonstrated with the parking study by Fehr and Peers submitted for the record, the parking spaces provided are "more than sufficient to support the land uses" at the project. ○ The proposed uses and development shall not adversely affect the character, public health, safety, and/or general welfare of the neighborhood or the community. See also Findings #3 in required Findings for GCC 8-6B-10 (below) ○ As demonstrated with the traffic impact study prepared by Kittleson and Associates and as provided in recommendations from ACHD, the proposed use and development of the subject property shall not cause undue traffic congestion, dangerous traffic conditions.
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			<p>The proposed use(s) and development of the subject property shall not adversely impact other infrastructure such as, but not limited to, public utilities and communication systems, water, wastewater, and drainage systems. See also Findings #4 in required Findings for 8-6B-10 (below).</p>
X			<p>Finding 3: The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts;</p> <p>Reasoned Statement:</p> <p>As provided in Finding #1 for GCC 8-6B-10 (above), the zoning map amendment complies with the legislatively adopted Comprehensive Plan. As provided in Findings #2 for GCC 8-6B-10 (above), the zoning map amendment complies with the legislatively adopted regulations for the SAP District, which regulations are enacted to protect promote the health, safety, and general welfare of the community by implementing the goals of the Comprehensive Plan. See Garden City Code § 8-1A-2.</p> <p>As provided in Finding #4 GCC 8-6B-10 (below), as conditioned, the zoning map amendment will not have an adverse impact on the delivery of public services, which delivery of public services.</p> <p>Accordingly, a Finding of compliance with the Comprehensive Plan, and a Finding of compliance with the SAP District regulations, and a Finding of no adverse impact on the delivery of public services, demonstrates that the zoning map amendment will not materially detrimental to the public's health, safety, and welfare.</p>

X			<p>Finding 4: The zoning map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts;</p> <p>Reasoned Statement:</p> <p>Conditions of approval require, without limitation: water and sewer infrastructure plans to be reviewed by Garden City Public Works Department and Boise City (as applicable); transit infrastructure plans to be reviewed by VRT; and public road design and construction to coordinate with (ACHD).</p> <p>TGS Consulting completed a Fiscal Impact Analysis (peer reviewed by W/ David Eberle) to review the monetary impact of the project on Garden City, which analysis shows: no adverse financial impact to the community; \$237M in new taxable value; a net revenue surplus to the City's General Fund of \$2.16M over 15 years; more than sufficient permit fees (\$1.8M) to cover administrative costs; adequate cash flow maintained for water and sewer service infrastructure based on "fee for services" budget; and the potential for an increase in State sales tax distribution to the City (\$200K/year).</p>
	X		<p>Finding 5: The annexation of land, if proposed, is in the best interest of the city and complies with the procedures as set forth in Idaho Code section 50-222. .</p> <p>Reasoned Statement:</p> <p>This application is not proposing annexation into Garden City; the property has been annexed into Garden City.</p>

GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			
Compliant	Not	Not Applicable	Standard

	Compliant	to this Application	
X			<p>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</p> <p>See Finding #1 in required Findings for 8-6B-6. (above)</p>
X			<p>Finding 2: The text amendment shall not be materially detrimental to the public health, safety, and welfare.</p> <p>See Finding #3 in required Findings for 8-6B-10. (above)</p>
X			<p>Finding 3: The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.</p> <p>See Finding #4 in required Findings for 8-6B-10. (above)</p>

30. The record was reviewed in its entirety by the City Council to render the decision.

CONCLUSIONS OF LAW

The Garden City Council reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies** the required findings under GCC 8-5B-6.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the City Council hereby does **APPROVE** the application, subject to the following conditions:

1. Approval of this application is for:
 - a. Approval of the Zoning Code Amendment.
 - b. Approval of rezoning the subject property from R-2 Low Density Residential to The Residences at River Club District/ DA
 - c. The approval of the conceptual Master Plan as conditioned
2. Future applications within the area designated by this Specific Area Plan application shall be in conformance with the Residences at River Club District, Development Agreement and in substantial conformance with the conceptual master plan.
3. If there is ever any judicial determination that the subject property's legal owner of record has not consented to this application the approval of this application shall be nullified and reversed.
4. The lot must be verified by the city as a legal lot of record or made into a legal lot of record.
5. A subdivision or Minor Land Division must be completed to separate the subject property area from the current parcel.
6. A development agreement shall be approved prior to the third reading and adoption of the rezone ordinance. The purpose of the development agreement will be to adopt the conceptual Master Plan.
7. Each structure required by code and each sub-area must obtain a design review approval prior to construction.
8. Connection to the city of Boise's sanitary sewer collection system must be coordinated with the city of Boise.
9. Required revisions to the Conceptual Master Plan include:
 - a. The height, as defined by adopted Code, of the area of the East Subdistrict, identified in the image referred to "Exhibit A" of the applicant's rebuttal presentation on June 26, 2023, hearing shall be limited to a maximum of

35'. The review of this change to the East Subdistrict will be reviewed no later than the design review of the West Subdistrict.

- b. Extend the publicly accessible bicycle and pedestrian pathway that runs adjacent to the golf course to connect the West Sub-district and the Pierce Park and State Street intersection. The pathway shall also provide for a potential future connection to the adjacent property at the westerly boundary.
- c. There shall be no bicycle or pedestrian access to North Fair Oaks Place. A physical barrier between the East Subdistrict and North Fair Oaks Place shall consist of fencing, landscaping, and/or watercourse or some combination thereof. The review of this change to the East Subdistrict will be reviewed no later than the design review of the West Subdistrict.
- d. The private road through the Central and East sub-districts shall be reviewed at the design review of the sub-districts to ensure that it adequately addresses the Garden City design consultant's recommendation to increase intuitive function of the traffic flow through the sub-districts to the State Street/Pierce Park intersection.
- e. Design for adequate stacking for left turn movements onto State Street as requested by ACHD.
- f. Vacate the existing right-of-way for Plantation Drive, and remove associated access onto State Street, as required by ACHD.
- g. There shall be no unsignalized left turns into or out of the project from State Street, unless determined by Garden City and ACHD at a future date as safe and appropriate.

10. A Development Agreement shall be entered into that adopts the Master Plan with the following conditions:

- a. The master plan is conceptual.
- b. The phasing of the development will occur as identified in the master plan.
- c. The pathways shall be consistent or greater in width and landscaping buffering as depicted in the master plan.
- d. The irrigation drain may be piped in sections but shall be daylighted and utilized as an amenity as shown in the conceptual Master Plan. If the waterway amenity is precluded by the drainage district or property owner, an amenity that equally enhances the linear park shall be provided. Any revisions to the proposed amenity shall be reviewed with the future review of the West sub-district. If the waterway amenity is constructed, permission from the off-site property owner allowing for the construction of the off-site improvement shall be provided.
- e. No vehicular access shall be allowed onto a public right-of-way unless approved and according to the Ada County Highway District standards. As recommended by ACHD, there shall be no vehicular access to North Fair Oaks Place, except for emergency access if required by the fire authorities.
- f. The setbacks for any type of encroachments including but not limited to walls, bushes, artwork, etc. must be at least 18" from any sidewalk or multi-use path to not create shy space into the usable area of the sidewalk/path.

- g. Easements required to enact the Master Plan:
 - i. Shall be provided as required by the City Engineer, Development Services Staff, or this decision.
 - ii. Shall be recorded with Ada County Land Records.
 - iii. Shall be provided to Garden City once recorded.
 - iv. Shall define the grantee and adequate information to depict the location of the easement such as a legal description and illustration.
 - v. Shall be unobstructed unless otherwise specified.
 - vi. At a minimum, include easements for the following:
 - 1. Public utilities.
 - 2. Water and sewer
 - a. If not otherwise designated by the City Engineer the total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
 - 3. Drainage.
 - 4. Public connections to and from the public rights-of-way (excluding North Fair Oaks Place) and pathways, including but not limited to users of Plantation Drive connecting to State Street.
 - 5. Public 12-foot, for a minimally 10-foot -wide concrete multi-use (bicycle and pedestrian) pathway along State Street.
 - 6. Publicly accessible 12-foot easement, for a minimally 10-foot -wide multi-use (bicycle and pedestrian) pathway that runs along the southern boundary of the subject property.
 - a. The term publicly accessible shall be defined to mean that the easement shall be perpetual and allow for public access with minor identified exceptions such as closures after customary travel hours.
 - h. New water and sewer services, and site grading and drainage must be provided for review and approval by the Garden City Public Works Department.
 - i. Should any connections be made to the Boise City sanitary sewer collection system, review and approval by Boise City Public Works must be provided.
 - j. The alignment of N. Pierce Park Lane shall reflect ACHD's 99% design plans for the intersection at State Street.
 - k. The bus stop amenities as outlined in the conceptual master plan are a requirement of the infrastructure to be installed as part of the master plan.
 - l. The design and location of the proposed bus stop must be approved by Valley Regional Transit prior to construction.
 - m. The phasing for the removal of the current bus stop and the installation of the proposed bus stop shall be coordinated with VRT and included in the phasing plan.
 - n. Private roads shall provide street names and stop sign signage.

- o. The construction of roadway projects shall be coordinated with Ada County Highway District.
- p. All sidewalks and public pathways shall be designed and constructed to the project boundaries so that they facilitate future connections except there shall be no connection to North Fair Oaks Place as provided further in condition 9.c above.
- q. The Master Plan is an approved plan that is not subject to the one-year expiration identified in GCC 8-6A-8.

11. Prior to the adoption of The Residences at River Club District SAP Ordinance, revisions to proposed code shall be made to:

- a. Provide any clarifying or clerical language that does not change the intent of the approved provisions.
- b. Make clear the following concepts are incorporated:
 - i. Amend regulations to limit the height of the area of the East Subdistrict, identified in the image referred to "Exhibit A" of the applicant's rebuttal presentation on June 26, 2023, hearing to a maximum of 35'.
 - ii. Amend regulations to clarify there shall be no bicycle or pedestrian (and, as recommended by ACHD, no vehicle) access to North Fair Oaks Place and a physical barrier between the East Subdistrict and North Fair Oaks Place shall consist of fencing, landscaping, and/or watercourse or some combination thereof.
 - iii. Add a new chapter to Garden City Code 8-8 Specific Area Plan Ordinances.
 - iv. Amend proposed code to be consistent with a new article of Garden City Code 8-8 Specific Area Plan Ordinances rather than the current proposal of including the proposed SAP in a new title 11.
 - v. Add Garden City Code Sustainability and Nonconforming regulations by reference.
 - vi. Add Language: Accesses onto public roads shall comply with the requirements of the Transportation Authority.
 - vii. Add Language: Specific Area Plan: The Residences at River Club District Ordinance shall supersede if in conflict with The Residences at River Club District Master Plan.
 - viii. Add Language: A variety of housing for the project shall be provided at a rate of at least 5% from each of two or more of the categories of universal design, studio, or one-bedroom units.
 - ix. Pressurized Irrigation: utilize term "shall" rather than "may," delete word "proposed."
 - x. Amend Language: Remove word "potentially" and define "active adult" or change term to multi-family in regulations in the district's language.
 - xi. Add Language: Design must meet "design character" as identified in the adopted master plan.
 - xii. Office: language to require centrally and unique is needed.
 - xiii. Single family attached: Connection to sidewalk rather than drive-aisle needs clarified.

- xiv. Add language: Detached sidewalks are required to allow for landscaping and street tree buffers. Detailed criteria can be added to identify when a different solution is appropriate.
- xv. Amend language: Add criteria for roof signs or maintain as prohibited.
- xvi. Amend language: Maintain Electronic Message Boards as prohibited or with a master sign plan approval.
- xvii. Add language to require the integration of signage with the architecture.
- xviii. Amend language for perimeter screening: remove the allowance for vinyl fencing and add wrought iron as an alternative.
- xix. Amend language in tree mitigation to require mitigation for trees equal to or less than 4" in diameter.
- xx. Amend language that will allow for private open space to provide for an aggregate of private open space within the project.
- xxi. Amend language for open space to state that common open space areas shall not be adjacent to a collector or arterial street unless separated from the street by a constructed barrier of at least two feet (2') in height and an additional landscape buffer that incorporates shrubs and trees.
- xxii. Amend language for open space to remove the word "interior."
- xxiii. Amend language for pedestrian walkways to clarify when it is appropriate for pedestrian pathway (concrete or paved) to be considered open space, while precluding sidewalks from the open space calculations that are adjacent to public streets or primary private streets.
- xxiv. Amend language for parking to provide a definition for active adult if it will be utilized as standard.
- xxv. Adopt parking by reference, or incorporate the city's adopted parking, except for the proposed residential and bicycle parking standards:

Use	Total Required Vehicle Parking Spaces Per Dwelling Unit	Required Covered Vehicle Parking Spaces Per Dwelling Unit	Required Covered Bicycle Spaces Per Dwelling Unit
Dwelling, multi-family:			
Up to 1 bedroom	1	.5	.5
2+ bedrooms	2	.5	.5
Age Restricted	1	.5	.5
Dwelling, single-family detached	2	2	n/a
Dwelling, townhouse:	2	2	n/a
Guest Parking			

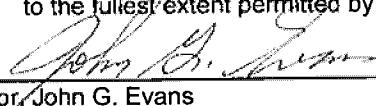
For developments with more than 2 dwelling units there shall be 0.5 additional vehicle parking spaces/unit provided for guest parking for the first 10 dwelling units. There shall be 0.1 parking spaces/unit provided for guest parking for every unit after the first 10 units.

- xxvi. Amend language for bicycle connectivity standards to require connectivity to the boundary of public right-of-way except there shall be no connection to North Fair Oaks Place as provided further in condition 9.c above.
- xxvii. Amend language setback language to clarify that the setbacks are reduced from parking areas only.
- xxviii. Add language that the setbacks for any type of encroachments including but not limited to walls, bushes, artwork, etc. must be at least 18" from any sidewalk or multi-use path to not create shy space into the usable area of the sidewalk/path.
- xxix. Amend language to identify that the multi-use path on State Street shall be 10' in width.
- xxx. Amend language within code that refers to bicycle routes and lanes to be consistent with the Institute for Traffic Engineers (ITE) definitions.
- xxxi. Provide a clearer Image of the conceptual Master Plan area for codification.
- xxxii. Add Language: The design of structures and amenities must be compatible with "Design Objectives" and "Design Character" as identified in the master plan.
- xxxiii. Adjust the requirement that parking cannot be within 40' of a corner to be state that parking cannot be within 25' from where two travel ways adjoin.

General Conditions:

- 1. This approval is for a Specific Area Plan.
- 2. The approval is specific to the application provided and reviewed.
- 3. This rezone decision document does not grant the approval of any specific use.
- 4. If this rezone is a result of a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.
- 5. The applicant shall comply with all requirements of the reviewing entities.
- 6. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis of this application or not.

7. This approval is for this application only, and does not permit land work, vegetation removal, construction of any structure or infrastructure, or allow for any use. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to any work or commencement of any use.
8. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing additional permits.
9. The date of decision and action is the date that the decision maker approves the written decision.
10. Materials submitted after the decision shall not be considered part of the record for this decision.
11. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
12. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed, or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day timeframe for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.
13. A takings analysis pursuant to Idaho Code may be requested on final decisions.
14. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.



John G. Evans

August 14, 2023

Date

EXHIBIT C
Conceptual Master Plan

The Residences at River Club Master Plan Narrative

Project Location – Overview

The Property comprises approximately 22.68 acres of the northerly portion of the existing 122-acre River Club golf course. The northerly boundary of the Project extends from Plantation Drive on the west to the easterly limit of the golf course for a distance of $\frac{1}{2}$ mile. Approximately 1,800 feet of the Property fronts State Street. The Project is not physically connected to neighboring residential areas, and the golf course provides a broad buffer for most Plantation subdivision residents. The Boise River and riparian areas lie $\frac{1}{4}$ mile south of the Project.

The uses surrounding the Property include:

- North – commercial and multi-family residential (Boise City)
- East – commercial (C-2) and residential, assisted-living (R-2 and R-3)
- South – The River Club golf course (R-2) and residential (R-2)
- West – residential (R-2)

The Property is well located for access to public services and recreation opportunities, including the golf course, Westmoreland Park, and the Greenbelt along the Boise River. The Garden City Library and North Ada Fire and Rescue District facility are located on Glenwood Street (approximately 1.15 miles from the Project), and the Garden City Police station is on 50th Street north of Chinden Boulevard (3 miles from the Project).

The public Boise School District locations that would serve The Residences at River Club include: Pierce Park Elementary School, located $\frac{1}{4}$ mile north of the Project on Pierce Park Lane; Riverglen Junior High School, $1\frac{1}{2}$ miles away on Gary Lane; and Capital High School, $2\frac{1}{2}$ miles away from the Project, south of the Boise River on Goddard Road. Garden City is also served by two charter schools: Future Public School and Anser Charter School, located on 43rd and 42nd Streets, respectively, about 3 miles from The Residences at River Club.

Major retail centers are close by at the intersections of Glenwood and State Streets, and Glenwood and Chinden Boulevard. Anchor stores include Albertsons, Walmart Supercenter, Fred Meyer and D&B Supply.

The Residences at River Club Vision

Given the City's planning guidance in its Comprehensive Plan, and the planned and already improved changes to the State Street corridor, the Developer offers the City a

unique opportunity to create a new community within Garden City that promotes the transit and land planning goals of the City. The Property has enough contiguous acreage under single ownership to foster the development of a master-planned community along what is taking shape as a much-improved east-west transit corridor for the community, as well as being in close proximity to schools, library, employment, shopping, and significant private and public recreation opportunities.

The vision for The Residences at River Club is a walkable, mixed-use community, thoughtfully designed and embracing its amenity-rich setting. The Project will be multi-generational, offering diverse housing options catering to various demographic and lifestyle preferences, and linked together by pathways, recreation opportunities, and retail facilities to encourage physical activity and social engagement for all residents. The Developer's goal is for The Residences at River Club to be a striking asset to Garden City and the State Street corridor, and an inspiration for future mixed use development elsewhere in Garden City.

Prior to putting pen to paper, the Developer took the guidance of the City's Comprehensive Plan and established twelve community development principles to guide the planning and design that will implement the vision of The Residences at River Club:

1. Create a healthy community that is active, walkable and connected.
2. Design a central hub for community gathering and social engagement.
3. Adopt street patterns and building orientations that focus life on the street.
4. Utilize open space and a connection to the Boise River as an organizing element in neighborhood design.
5. Establish residential densities that are transit-supportive combined with a commercial node at the TOD station location to encourage transit use.
6. Offer a diversity of housing choices to match consumer incomes, preferences, and life stages.
7. Create compatibility with existing residential development.
8. Create Project destinations and links that integrate the Project with existing neighborhoods.
9. Provide multi-modal transportation choices to reduce reliance on vehicle trips.
10. Promote original and high-quality design and building materials.
11. Create designs that enhance the "sense of place" for the development.
12. Contain all parking within the Project.

Conceptual Master Plan – Planning Areas

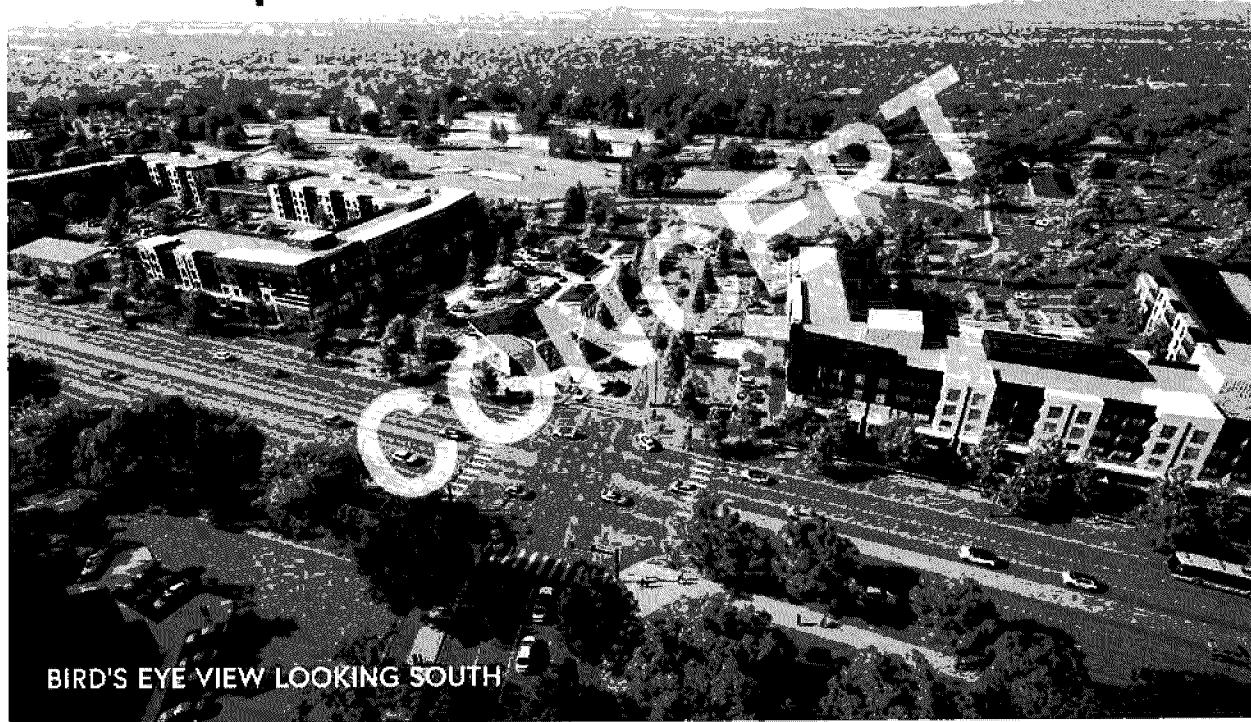
The community development principles listed above have been used by the Developer's architects to prepare the required conceptual master plan. The Residences at River

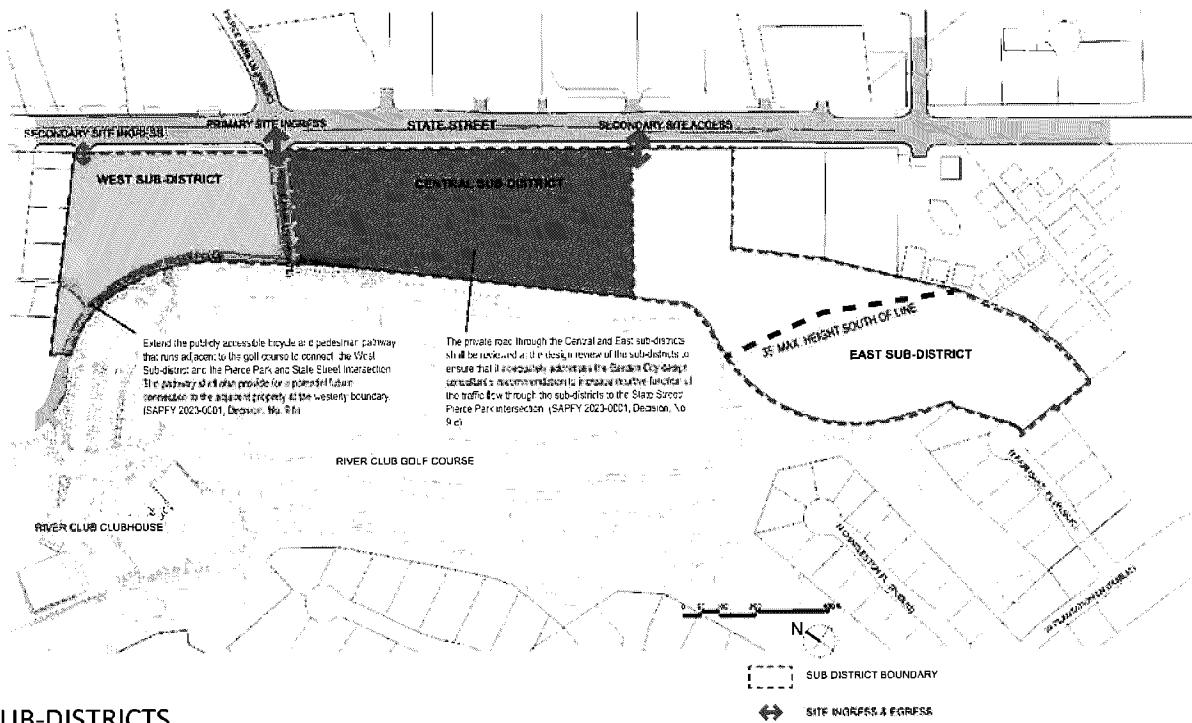
Club conceptual master plan illustrates the Property's general arrangement of land uses and intensities. Final uses, densities, product types and design will be refined in connection with the submittal of a detailed design review application for each "Planning Area" or phase of development.

The Developer expects to construct The Residences at River Club in three phases consistent with the West, Central and East Planning Areas. The order of development of the planning area will be dependent on market demands.

Please note: on each of the subsequent pages, the design is subject to further refinement as required in the decision document and subsequent reviews of the subdistricts.

Masterplan for the Residences at the River Club



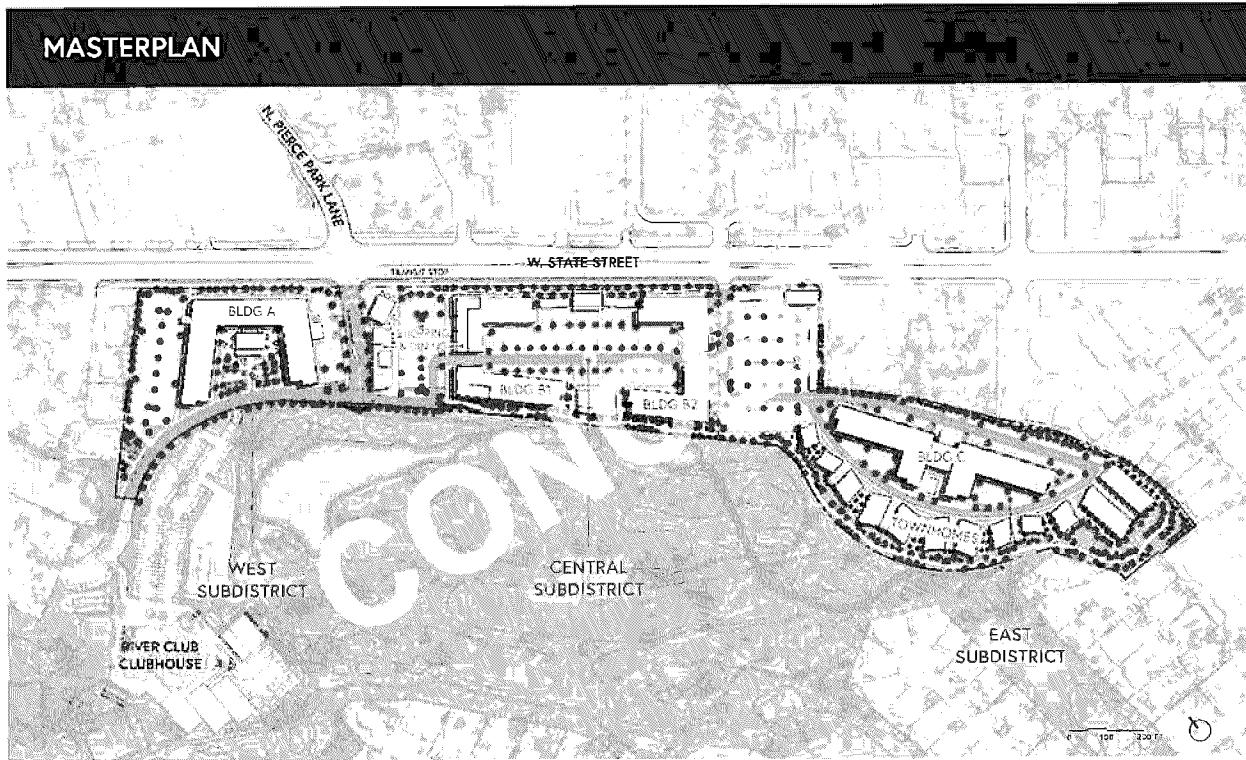


SUB-DISTRICTS

LPCWEST
易派客

NOTE: Building footprints are approximate. Depending on market demands, design and phasing sequence is expected to evolve during Design Review Application within the provisions in the approved Specific Area Plan.

RIVER CLUB SAP | SAP APPLICATION
FINAL FEBRUARY 27, 2024 DECEMBER 19, 2022 CRTKL



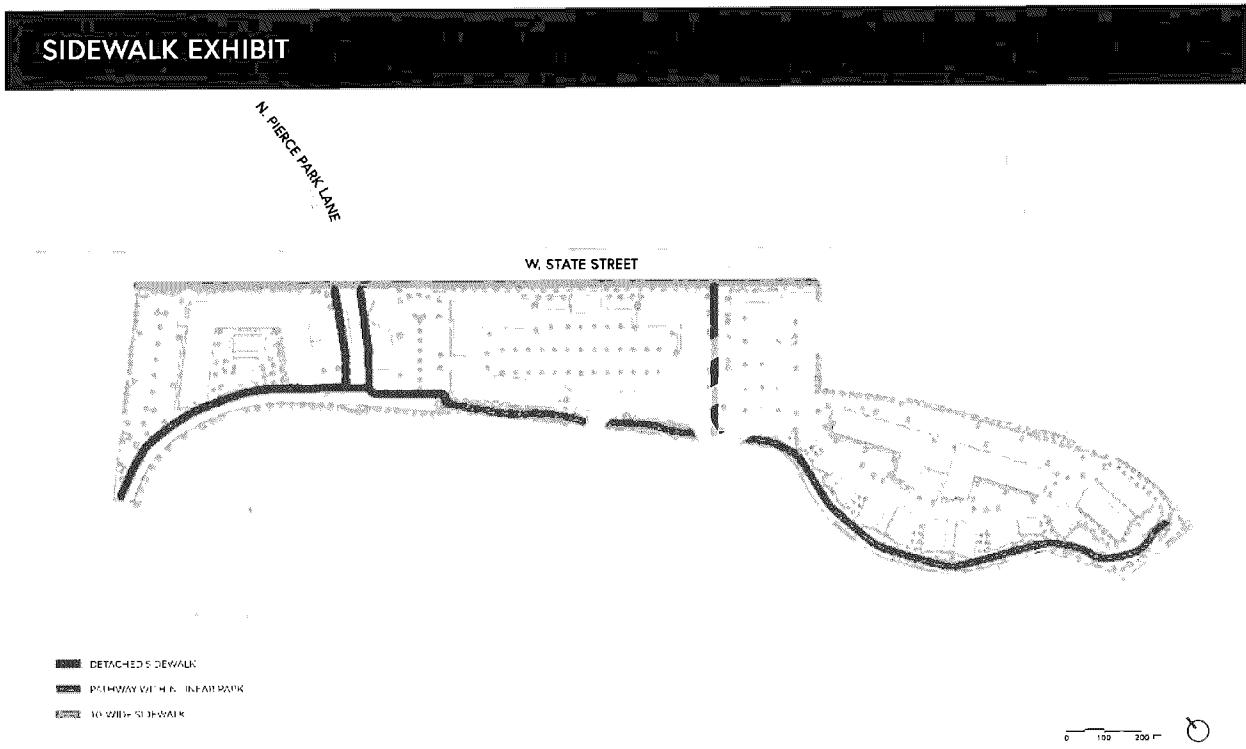
The Residences at River Club

NOTE: Building footprints are approximate. Depending on market demands, design and phasing sequence is expected to evolve during Design, Review Application or within the provisions in the approved Specific Area Plan.

FINAL February 27, 2024 February 27, 2024

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The Residences at River Club

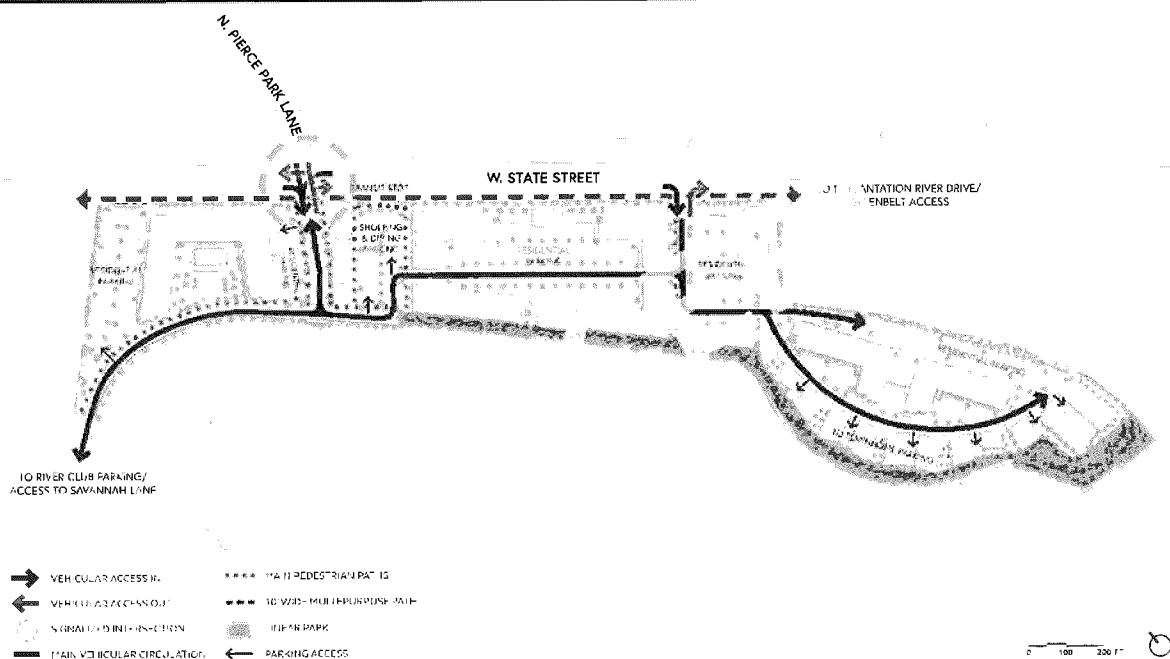
NOTE: Building footprints are approximate. Depending on market demands, design and phasing sequence is expected to evolve during Design Review Application within the provisions in the approved Specific Area Plan.

FINAL February 27, 2024 February 25, 2024

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PEDESTRIAN & VEHICULAR CIRCULATION



The Residences at River Club

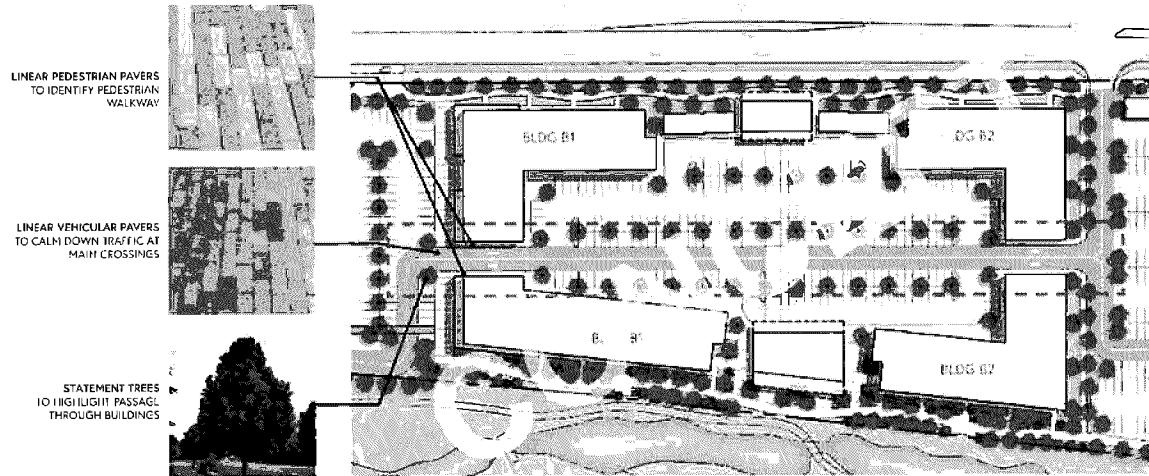
Design Vision Presentation

February 27, 2024

LPCWEST

CRTKL

CIRCULATION THROUGH CENTRAL SUBDISTRICT



The Residences at River Club

Design Vision Presentation

February 27, 2024

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CIRCULATION THROUGH CENTRAL SUBDISTRICT



The Residences at River Club

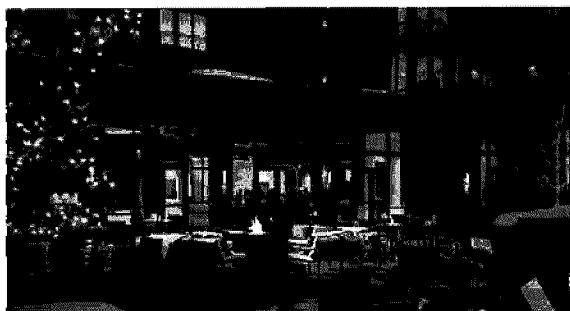
Design Vision Presentation

February 27, 2024

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DESIGN CHARACTER - SHOPPING & DINING



The Residences at River Club

Design Vision Presentation

February 27, 2024

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SHOPPING & DINING LOOKING EAST

DESIGN CHARACTER - RESIDENCES



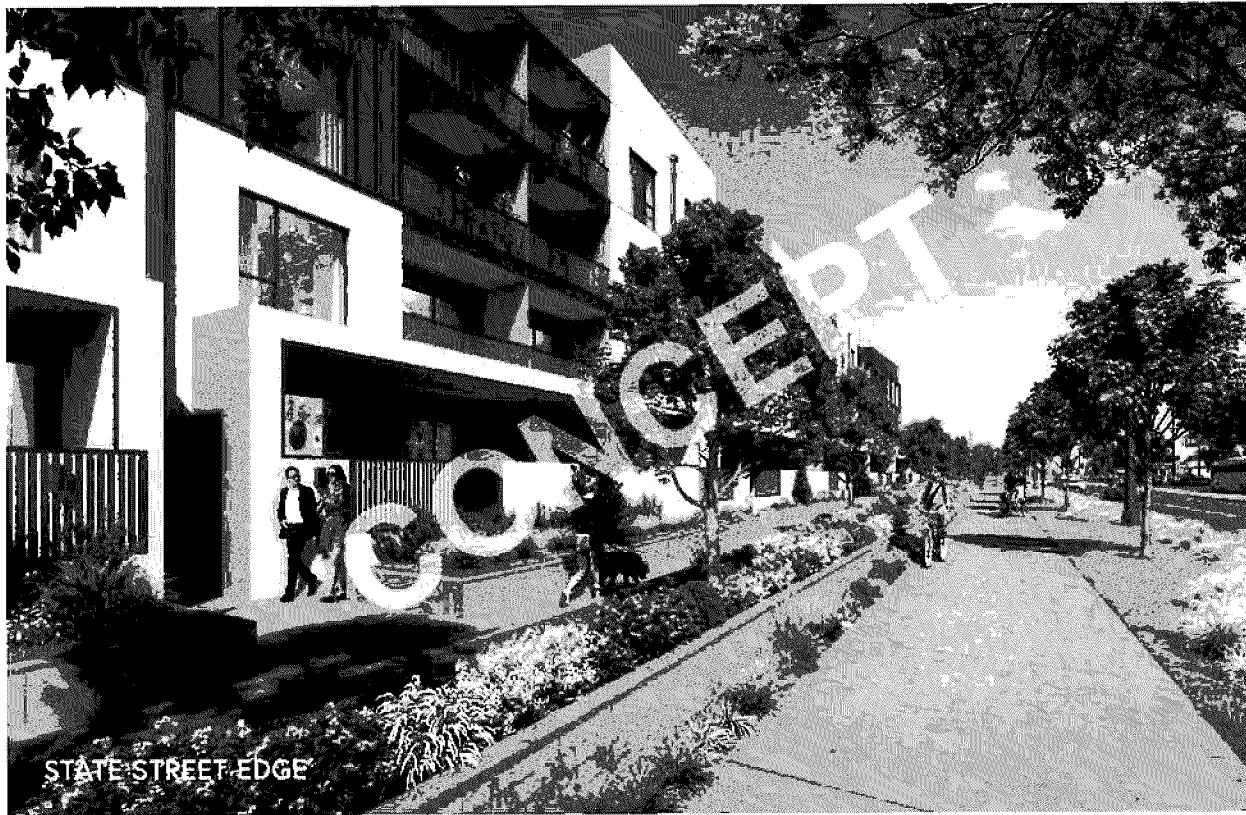
The Residences at River Club

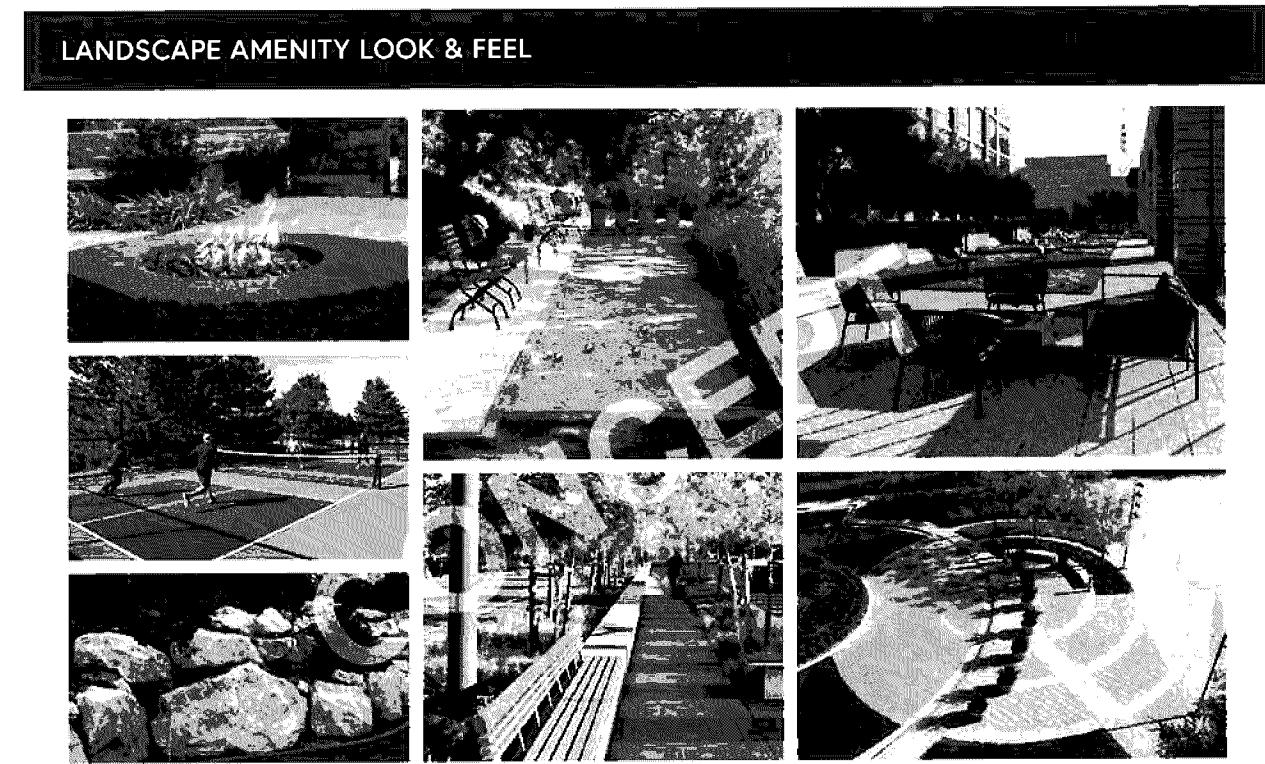
Design Vision Presentation

February 27, 2024

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The Residences at River Club

Design Vision Presentation

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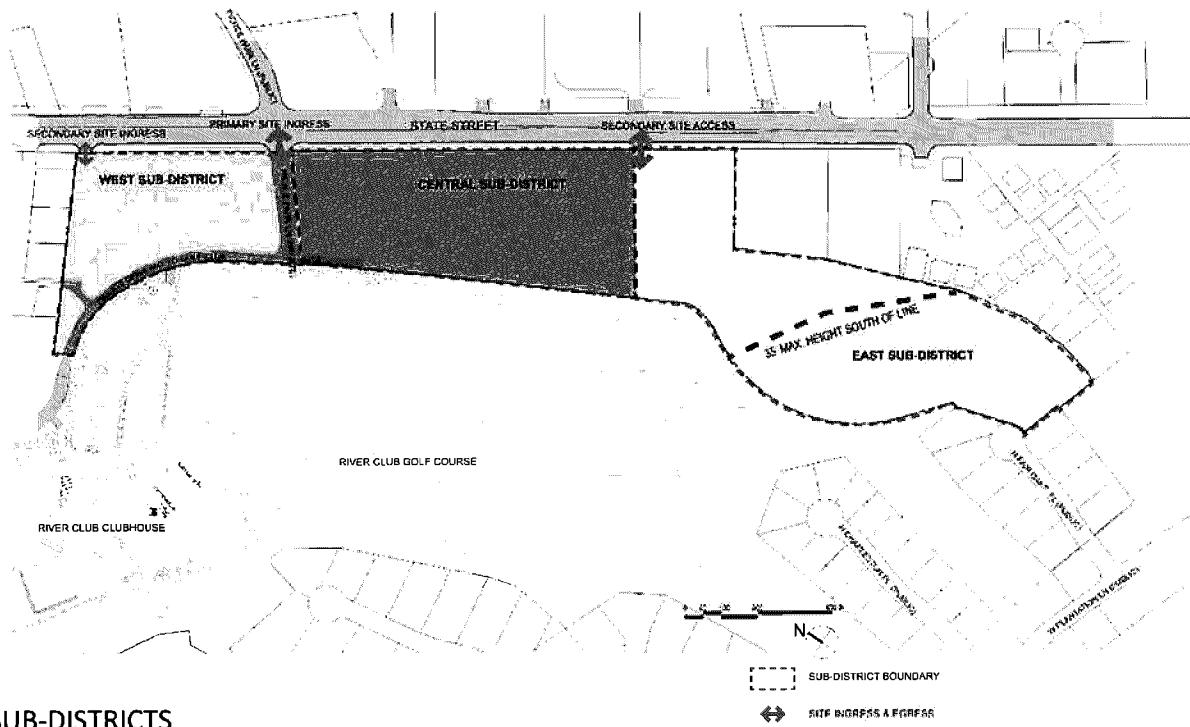
The Residences at River Club

Design Vision Presentation

February 27, 2024

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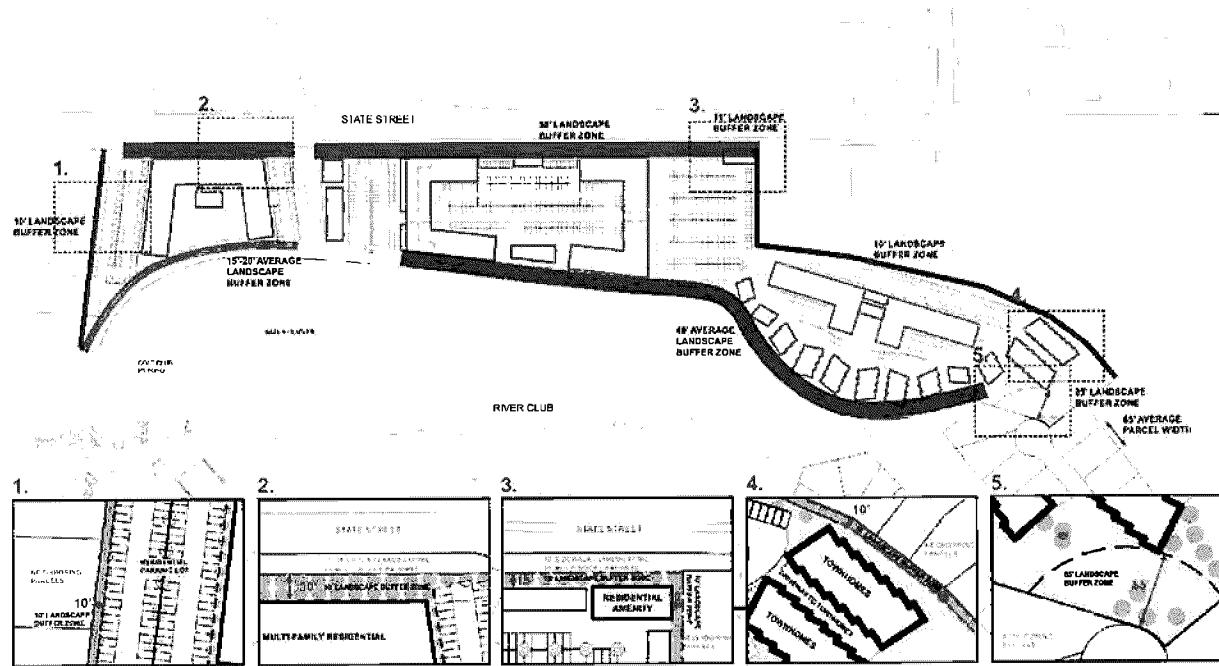
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LPCWEST
LANDSCAPE ARCHITECTURE

NOTE: Building footprints are approximate. Depending on market demands, design and phasing sequence is expected to evolve during Design Review Application within the provisions in the approved Specific Area Plan.

RIVER CLUB SAP | SAP APPLICATION
FINAL FEBRUARY 27, 2024 DECEMBER 19, 2022 **CRTKL**



LANDSCAPE BUFFERS TO SURROUNDING NEIGHBORHOOD

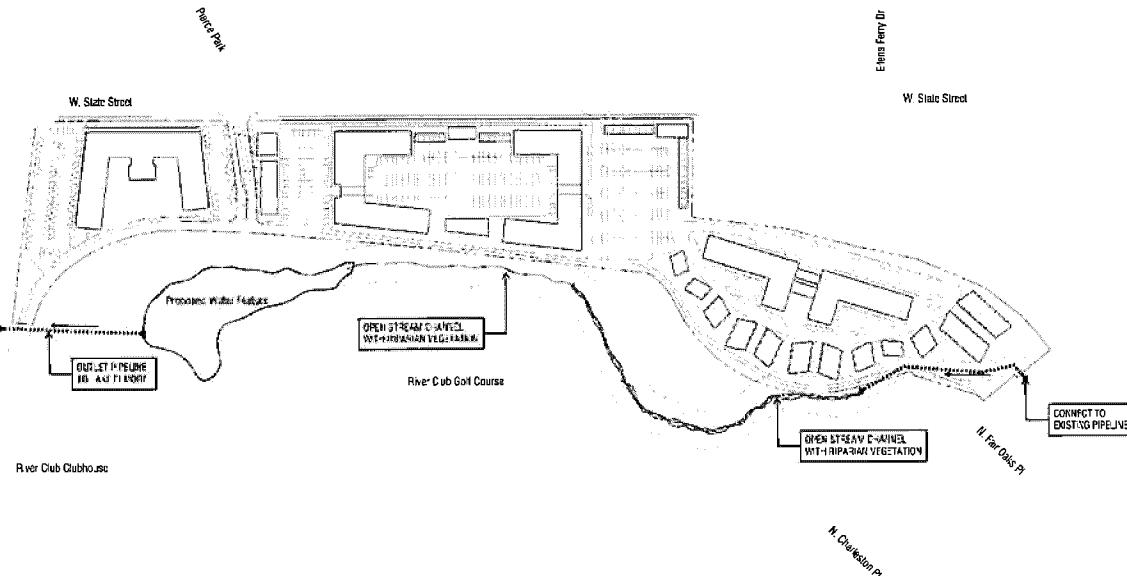
LPCWEST
LAND PLANNING CONSULTANT

NOTE: Building footprints are approximate. Depending on market demands, design and phasing sequence is expected to evolve during Design Review Application within the provisions in the approved Specific Area Plan.

RIVER CLUB SAP | SAP APPLICATION
FINAL FEBRUARY 27, 2024 DECEMBER 19, 2022 **CRTKL**

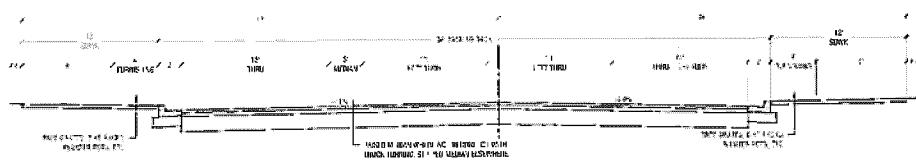
RIVER CLUB RESIDENCES SPECIFIC AREA PLAN

CONCEPTUAL UTILITY PLANS - IRRIGATION DITCHES

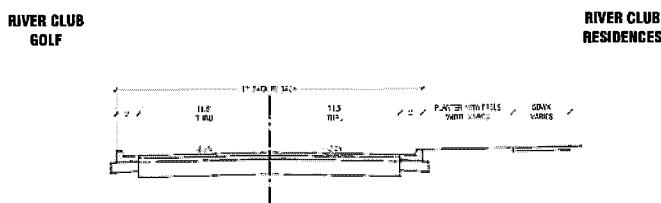


 **THE
LAND
GROUP**

Notes:
This conceptual plan envisions the general configuration of proposed utility systems to serve the development.



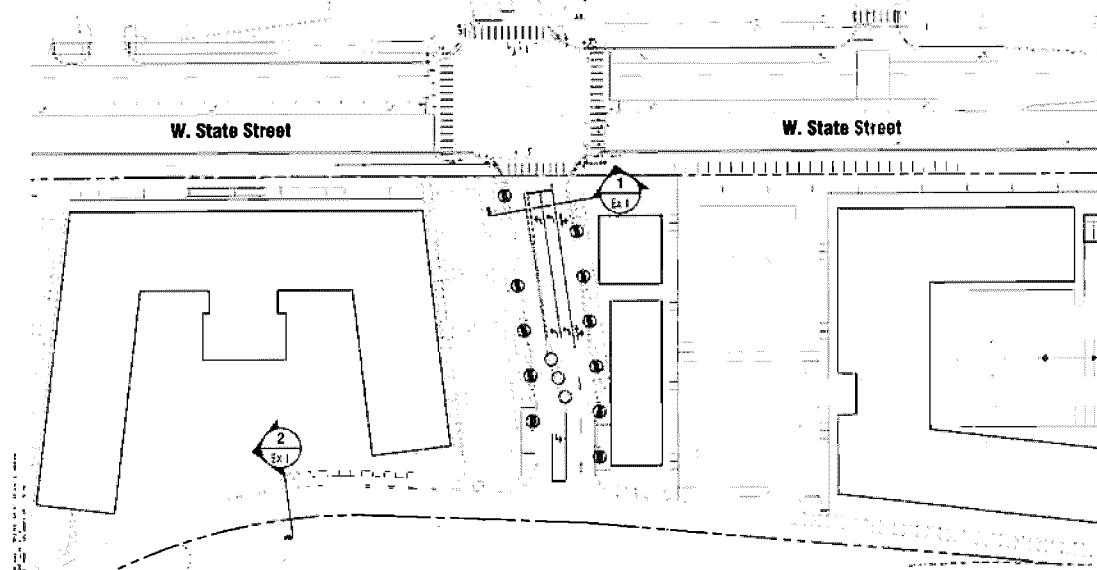
1 Pierce Park Ln Intersection Approach



2 River Club Golf Clubhouse Driveway

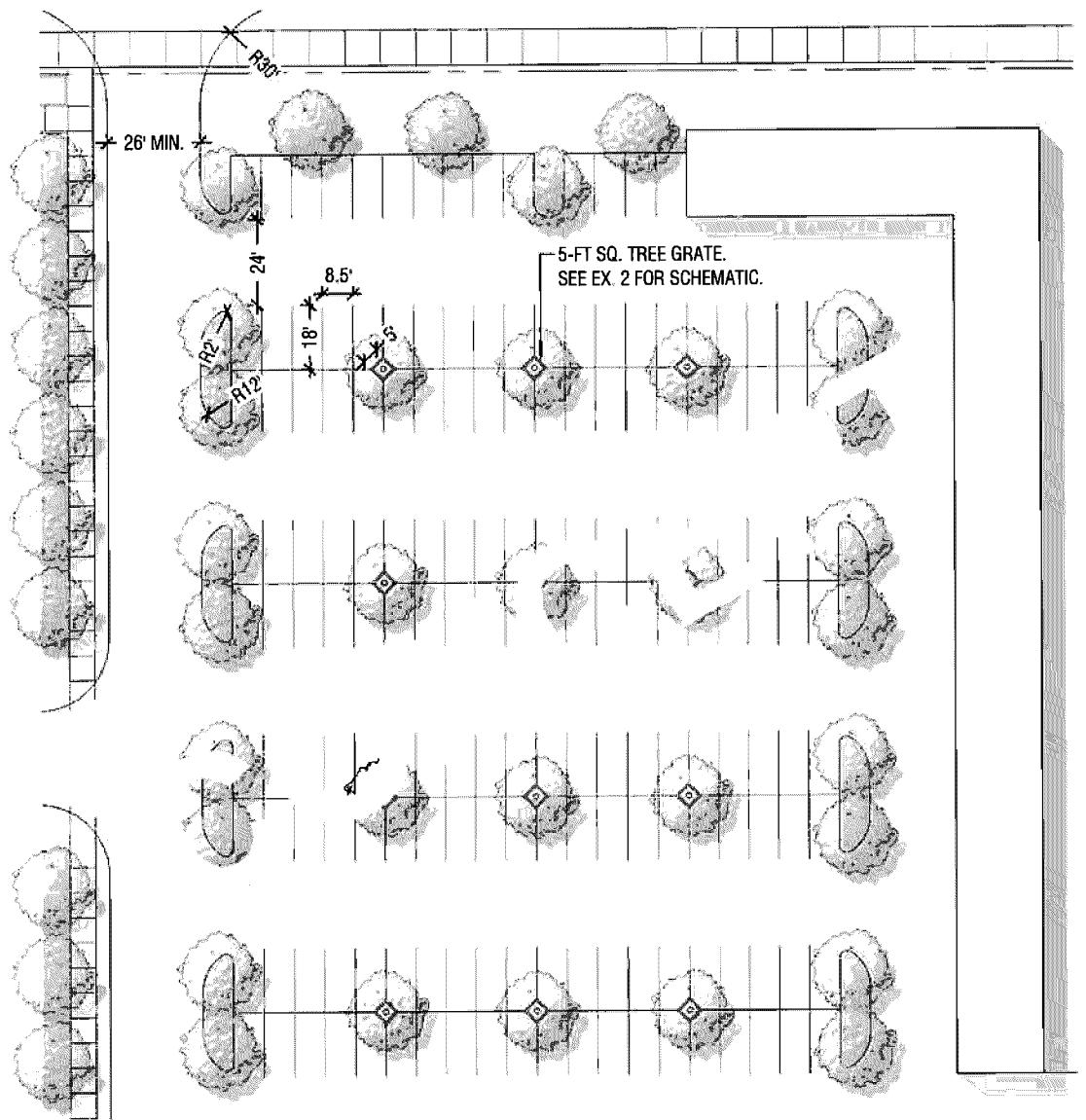


Ex 1



River Club Residences
Specific Area Plan
Conceptual Roadway Section
2003-05-27-14.k

Ex 2



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 Date Printed: Tuesday, November 8 2022 at 10:24 AM



Parking Lot Exhibit

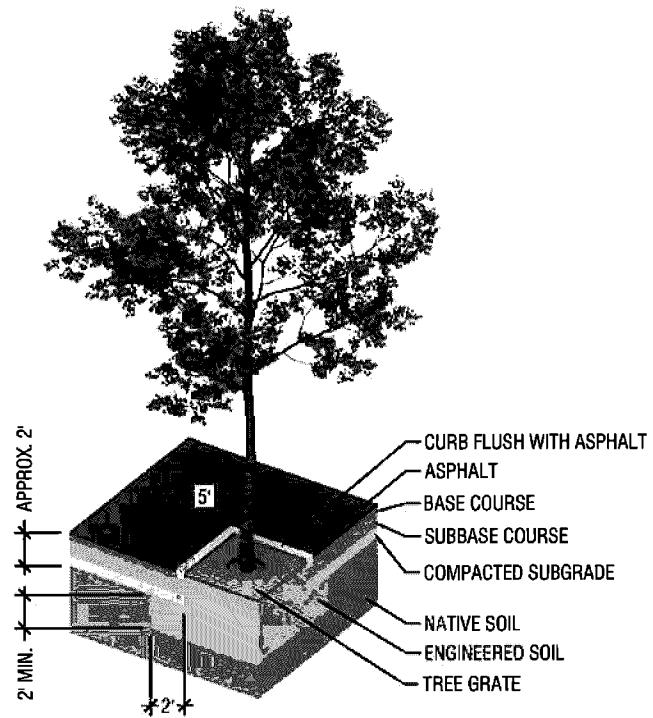
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0 40' 80'

Project No.: 122078
 Date of Issuance: 11/07/2022

**Parking Lot Exhibit
 The River Club**

EX 1



Parking Tree Grate Exhibit

Horizontal Scale: 1" = 10'

0 10' 20'

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Date of Issuance: 11/07/2022

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Last Edited by: Taylor, Michael
Last Saved: Tuesday, November 6 2022 4:10:15 AM



**Parking Grate Exhibit
The River Club**

EX 2